

01 Mar 00

MEMORANDUM FOR THE SECRETARY OF THE NAVY
(b)(6) UNDERSECRETARY OF THE NAVY
(b)(6)

FROM: P. M. LOWELL

Deputy Director of Naval Intelligence

Prepared by: LCDR (b)(6), CNO N2J, (b)(6)

SUBJECT: SENATOR SMITH'S CONCERNS ABOUT A LASING INCIDENT AND
THE TREATMENT OF LCDR DALY FOLLOWING THE INCIDENT -
ACTION MEMORANDUM

PURPOSE: To respond to Senator Smith's Congressional
Letter to Secretary Cohen of 1 February 2000

DISCUSSION: Senator Smith expressed concerns over the contents
in an article in the 14 February 2000 issue of
"Insight" Magazine. The article, entitled, "Fixing
a Photo to Fix a Policy" recounted the alleged
"Kapitan Man" lasing incident and asserted that the
Navy had manipulated a photograph taken of the
merchant ship.

Since July 1999, over 30 congressional inquiries on
the "Kapitan Man" incident have been received and
responded to. The bulk of those inquiries came as
the result of an article, written by the same
author, which appeared in the October 1999 edition
of Reader's Digest Magazine. To reply to the
multitude of inquiries, we developed a standard
response letter. We have tailored that standard
letter to respond to Senator Smith.

COORDINATION: This matter has been coordinated with the Office
of the Naval Inspector General and the Bureau of
Medicine and Surgery.

RECOMMENDATION: That SECNAV sign and forward the attached
letter to SECDEF for signature.

ATTACHMENT:

1. Proposed response to Senator Smith.

CHOP	OLA	VCNO (b)(6)	CNO
DATE	(b)(6)	3/2/00	

MEMORANDUM FOR THE SECRETARY OF DEFENSE
DEPUTY SECRETARY OF DEFENSE

FROM: Richard Danzig
Secretary of the Navy
Prepared by: LCDR (b) (6), CNO N2J, (b) (6)

SUBJECT: SENATOR SMITH'S CONCERNS ABOUT A LASING INCIDENT AND
THE TREATMENT OF LCDR DALY FOLLOWING THE INCIDENT -
ACTION MEMORANDUM

PURPOSE: To Respond to Senator Smith's Congressional Letter to
Secretary Cohen

DISCUSSION: Senator Smith expressed concerns over the contents
in an article in the 14 February 2000 issue of
"Insight" Magazine. The article, entitled, "Fixing
a Photo to Fix a Policy" recounted the alleged
"Kapitan Man" lasing incident and asserted that the
Navy had manipulated a photograph taken of the
merchant ship.

Since July 1999, over 30 congressional inquiries on
the "Kapitan Man" incident have been received and
responded to. The bulk of those inquiries came as
the result of an article, written by the same
author, which appeared in the October 1999 edition
of Reader's Digest Magazine. To reply to the
multitude of inquiries, we developed a standard
response letter. We have tailored that standard
letter to respond to Senator Smith.

COORDINATION: This response has been coordinated with the Navy
Office of Legislative Affairs, Navy Bureau of
Medicine and Surgery and the Naval Inspector
General's Office.

RECOMMENDATION: That SECDEF sign the attachment.

ATTACHMENT:

1. Proposed response to Senator Smith.



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

Honorable Robert C. Smith
United States Senate
Washington, DC 20510-2903

Dear Bob:

This is in response to your recent letter regarding an article in *Insight Magazine* entitled "Fixing a Photo to Fit a Policy." The article gave an account of a Navy Lieutenant reportedly injured by a laser emanating from a Russian ship and asserted that the U.S. Navy attempted to deceive the public by altering a photograph.

The details of what is known as the "KAPITAN MAN incident" were thoroughly investigated by the Department of Defense (DoD) soon after it allegedly happened, as reflected in the attached DoD News Release of June 26, 1997. Briefly, on April 4, 1997, while assigned as a liaison officer with the Canadian Military in Esquimalt, British Columbia, Lieutenant Daly flew as an aerial observer and photographer on a Canadian helicopter flight over the Straits of Juan de Fuca. The mission was a routine surveillance flight that included taking photographs of vessels.

One ship observed during the flight was the Russian merchant ship KAPITAN MAN. The KAPITAN MAN, operating as a scheduled cargo carrier, was in U.S. waters en route to a scheduled April 4, 1997 arrival at Tacoma, Washington. The Canadian helicopter drew close to the KAPITAN MAN and Lieutenant Daly took a number of photographs with a digital camera. The mission made two complete passes around the KAPITAN MAN at altitudes between 80 and 100 feet, and then climbed to an altitude of 700 to 800 feet for a pass over the top of the ship. Lieutenant Daly also took photographs of other vessels in the area.

Lieutenant Daly reported eye pain after observing the ship and returning to base. He believed his eye pain was caused by a laser beam emanating from the KAPITAN MAN.

Upon receiving the initial report of the incident, the National Military Command Center, National Security Council, State Department and U.S. Coast Guard were notified. The KAPITAN MAN was subsequently searched on April 7, 1997 in Tacoma. The search was conducted at the direction of the Coast



Guard's Captain of the Port of Puget Sound, Washington. The search was based on the vessel being suspected of having hazardous materials or conditions aboard. Four U.S. Navy personnel accompanied the boarding party to aid in identifying any laser device that might be found. The ship was thoroughly searched, with the exception of the ship's library, because the keys to that space were reportedly not available to the crew of the vessel. No laser device was found in those spaces searched.

Under arrangements with the National Intelligence and law enforcement communities, Department of Defense investigators reviewed files and supporting materials of possible significance to the KAPITAN MAN incident. No information of a laser source aboard the KAPITAN MAN was found in those materials, nor was there any conclusive indication of a special capability or unusual mission for the ship at that time. After the search was completed, which included interviewing crew members and inspection of the ship's log, the ship was released.

Available evidence, including the digital photography of the ship taken during the flight, did not reveal a laser source aboard the ship. Photographs of the ship taken from the helicopter were examined closely to determine if a laser device may have been pointed at the helicopter from the bridge of the vessel. One photograph in particular shows a bright red light emanating from the vicinity of the port running light. That photograph was studied closely by experts who concluded that it depicted the energized port running light, and not a laser device. Their opinion was based on imagery tests using the exact same digital camera by the Naval Surface Warfare Center, Dahlgren, Virginia, exploitation of the digital imagery by analysts at the Office of Naval Intelligence (ONI), the Coast Guard boarding party's report, and architectural blueprints of the vessel.

Regarding the photograph, ONI provided the same exact digital image to the Pentagon for public release as was utilized in the investigation. No alterations or changes were made to the digital image.

In addition, contrary to the allegations made in Mr. Waller's article, the "unaltered" photograph does not demonstrate a laser emission. In response to Lieutenant Daly's allegations, ONI engaged the Pulse Power Group of the Naval Surface Warfare Center (NSWC), Dahlgren Division, to conduct a detailed test program to discover how various light sources were rendered by the Kodak DCS 420 digital imaging system (the same

camera system used by Lieutenant Daly). The imaging tests were conducted in weather and lighting conditions similar to those in which the KAPITAN MAN images were taken. There were three light sources used during these tests: a port running light, a Helium-Neon (HeNe) laser, and a Neodymium: Yttrium Aluminum Garnet (Nd:YAG) laser. More than 450 separate images were recorded at selected distances and angles from the light sources, using various camera f-stops, shutter speeds, and zoom factors. The results of these tests conclusively established that a "whitish core and yellow halo" was a readily discernable characteristic of the running light using light sources (bulbs) manufactured by both U. S. and Russian companies. In contrast, while the laser photographs exhibited a similar core, they also demonstrated an extreme diffraction pattern, even at very low power (27 to 45 times less than a standard conference room laser pointer). If the DCS 420 images recorded on April 4, 1997 had captured a laser illumination, it would have been clearly evident in the image ONI provided for public release.

With respect to your concern about the allegations of reprisal against Lieutenant Daly, the Naval Inspector General (IG) did conduct an inquiry and substantiated that officials at ONI took an unfavorable personnel action against him. The action in question dealt with a fitness report in which Lieutenant Daly allegedly received a lower rating in retaliation for making protected communications to the Deputy Director of Naval Intelligence, the Executive Director of ONI and the House Permanent Subcommittee on Intelligence. The IG's investigation did not focus on the lasing allegations themselves and the findings in no way reflect on the credibility of Lieutenant Daly's claims that an incident occurred.

As a result of the IG findings and recommendations, the Under Secretary of the Navy, acting for the Secretary, used his plenary authority to hold a new selection board with the adverse material removed from Lieutenant Daly's record. The board was held and recommended Lieutenant Daly for promotion to Lieutenant Commander on October 21, 1999. The Deputy Secretary of Defense approved that recommendation.

Contrary to Mr. Waller's accusations, no evidence of a cover up by ONI or the Department of Defense was found. No one has been instructed to "sweep this under the rug," no one was discouraged from participating in the investigation, and there have been no threats, real or perceived, made against imagery analysts or anyone else involved in this matter.

In regards to your questions about laser threats, the Navy has been working with the Army and the Air Force in developing laser eye protection and laser warning systems for our service members who are going into harm's way. Laser protection systems are already available to many deploying units. In this fashion, the Navy hopes to prevent laser exposure.

As always, if I can be of any further assistance, please let me know.

Sincerely,

Enclosure

BOB SMITH
NEW HAMPSHIRE

CHAIRMAN,
ENVIRONMENT AND PUBLIC WORKS
COMMITTEE ON ARMED SERVICES
COMMITTEE ON THE JUDICIARY
SELECT COMMITTEE ON ETHICS

opinion@smith.senate.gov
http://www.senate.gov/~smith/

United States Senate
WASHINGTON, DC 20510-2903

February 1, 2000

The Honorable William Cohen
Secretary of Defense
U.S.S. Department of Defense
The Pentagon
Washington D.C. 20301

Dear Mr. Secretary,

I am very concerned about the allegations in the January 21, 2000 issue of *Insight Magazine* titled "Fixing a Photo to Fit a Policy." This article alleges that Navy intelligence manipulated a photo of a Russian spy ship believed to have fired a laser at a Canadian military helicopter, wounding members of its Canadian-U.S. crew over the waters off Washington State in April 1997. The article provides details that suggest individuals in the Department of Defense are causing the Pentagon public-affairs office to mislead the American people about the lasing of the U.S. Navy officer, then Lt. Jack Daly. Please provide a point-by-point rebuttal of these allegations to help resolve these charges.

The article also notes that the Navy Inspector General found that officer Daly suffered a reprisal for reporting the lasing incident to Congress after it had already been uncovered by investigative reporter Bill Gertz of *The Washington Times*. Do you agree with this finding? If so, please describe what is being done to ensure that Daly is treated fairly and professionally and that the individuals involved in the incident have been made aware of the finding and warned against any such future conduct?

Similar reputed lasing incidents have also been reported by other Services, such as the alleged incident involving Army Blackhawk helicopter pilots in Bosnia. Has the Navy contacted the Army and Air Force regarding laser threats? It is my understanding that some aircrews are now being trained on dangers of laser weapons and that protective equipment is being purchased. Is the Navy taking any precautions against further laser exposure by service members?

It is critical that we treat our servicemen and women fairly and that the military maintain the public's trust. I look forward to your response; and I thank you for your timely cooperation.

Sincerely,

(b)(6)

Bob Smith, U.S.S.

cc The Honorable Richard Danzig

enclosure

DIKELIN BUILDING
SUITE 301
WASHINGTON, DC 20510-2903

(b)(6)

1750 ELM STREET
SUITE 100
MANCHESTER, NH 03104

(b)(6)

ONE HANCOCK PLACE
SUITE 405
PLANTATION, NH 03261

(b)(6)

Fixing a Photo to Fit a Policy

By J. Michael Waller

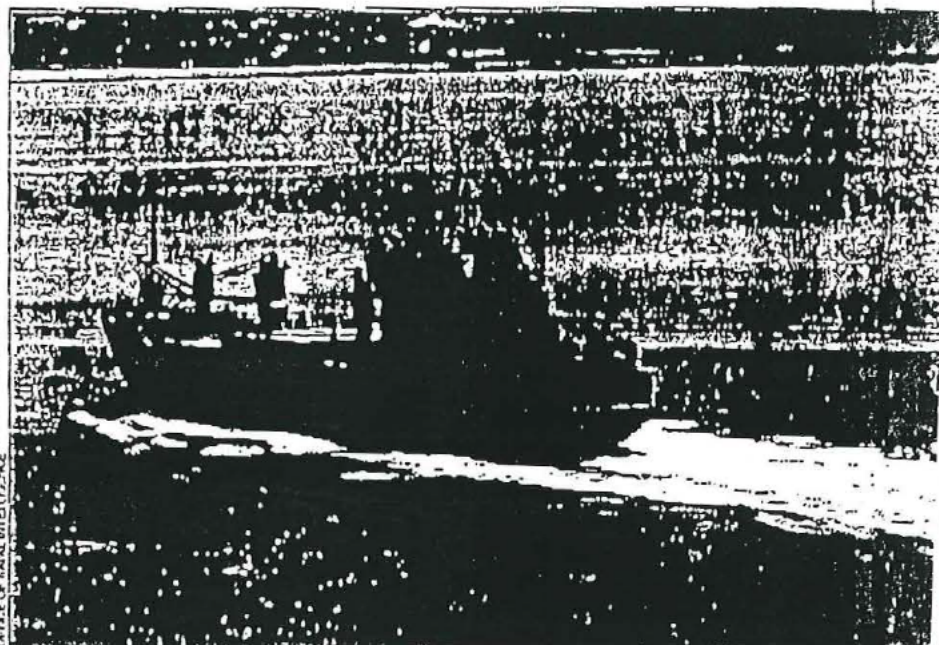
The Defense Department appears to have doctored a surveillance photograph as part of the Clinton policy to go easy on Russia — leaving a wounded U.S. Navy officer high and dry.

A recent CNN report alleged that the Defense Department misled the public with an altered videotape of a U.S. attack on Yugoslavia. It fizzled when the Pentagon attributed the error to a digital-compression process designed to allow intelligence analysts to review combat footage quickly. "The product was presented as the intelligence analyst would normally see it, and that is not a manipulation," Pentagon spokesman P.J. Crowley claimed.

While that seemed to end the story, the allegation of manipulation has revived questions about another image the Pentagon released to the press. At issue is a Navy intelligence photo of a Russian spy ship believed to have fired a laser at a Canadian military helicopter, wounding members of its Canadian-U.S. crew over the waters off Washington state in April 1997. The photo, as released by the Defense Department, differs markedly from the original taken by the wounded U.S. Navy intelligence officer aboard the helicopter. Details that Navy imagery analysts interpreted as a laser beam had been removed from the official photo.

The differences in the photographs, as well as a chain of policy decisions made by the Clinton administration to exculpate the Russian ship, and a Navy inspector-general's, or IG's, finding that the Navy photographer suffered reprisal for reporting the laser incident to Congress suggest that someone in the Defense Department doctored the version of the photograph that the Pentagon Office of Public Affairs released to the public.

Secret Defense and State depart-



Alloy: The Pentagon denies Russians fired a laser from the *Kapitan Man*.

ment documents obtained by the *Washington Times* show that senior Clinton-administration officials conspired to cover up the April 4, 1997, lasing of U.S. Navy Lt. Jack Daly and his Canadian pilot, Capt. Patrick Barnes, by the Russian freighter *Kapitan Man*. The Office of Naval Intelligence, or ONI, apparently responding to political pressure, retaliated against Daly for pursuing the matter with Congress. Daly suffered laser burns to his right eye, as well as vision problems and severe headaches.

Daly was the Navy's foreign-intelligence liaison officer in Esquimalt, British Columbia, heading a joint U.S.-

Canadian helicopter-surveillance operation against Russian, Chinese and other spy ships operating in the Strait of Juan de Fuca, which separates British Columbia from Washington state, and in Puget Sound, the site of major U.S. nuclear ballistic-missile submarine and aircraft-carrier bases.

Daly didn't realize he had been wounded by a laser, or "lased," until he returned to Esquimalt after photographing *Kapitan Man* and handed his Kodak DCS-460 digital camera to Chief Petty Officer Scott Tabor, a highly trained U.S. Navy imagery analyst on base. Tabor processed the photos and discovered on frame 16 a bright red spot, with a yellow halo and white core, emanating from the port side running light on the bridge of *Kapitan Man*. Tabor showed the photo to Daly

and urged him to get immediate medical attention. An initial medical evaluation, and months of subsequent tests by the U.S. military's top experts on laser eye injuries, confirmed laser burns on Daly's retina.

Side-by-side comparisons of frame 16 and the photograph released by the Pentagon, labeled frame 85, reveal the changes. (The numbering discrepancy is explained by the way the digital camera, which can take up to 52 pictures at a time, numbers the frames as they are downloaded to a computer.) Both images first were published in October on the Website of *Reader's Digest* magazine. The photo on the right (at the top of p. 25) is the original as shot by Daly and analyzed by Tabor. It was taken at about noon

under clear, sunny conditions, and the colors of the water, sky and ship match the other photos on the string. A bright red light is shown emanating from a black recessed panel just below the bridge. Enlargement of that part of the photo shows a whitish core and a yellow halo — indicating that it is not a normal running light from a low-watt bulb shining through a heavy glass lens. Daly testified before a congressional panel that Tabor interpreted the anomaly as a laser beam.

A secret military memorandum to the Canadian minister of national defense, obtained by Insight, states: "The analysis eliminated the possibility that the light source was benign, e.g., port running light and suggests a red laser produced the flash shown on the photo."

That conclusion, along with the laser burns on Daly's and Barnes' eyes, led Canadian and U.S. authorities to conclude that *Kapitan Man* fired a laser at the helicopter and wounded the crew. The State Department revealed in May 1997 that it had filed a vigorous diplomatic protest with Moscow.

But after a secret policy decision by Deputy Secretary of State Strobe Talbott, Ambassador James Collins and others, the administration attempted to sweep the matter under the rug. The official line immediately changed. Pentagon spokesman Kenneth Bacon told reporters at a May 15, 1997, briefing in response to a *Times* story, "Upon examination, many naval officers believe that the red dot is the port running light." ONI conducted an internal investigation that did anything but back up its wounded officer, and let the Russian ship off the hook. On releasing sections of the ONI report and the doctored frame 85 on June 26, Bacon stated conclusively, "The Navy has determined that this was a running light — a port running light. The starboard running light, which is green, is over on the other side. So they rejected this picture as indicative of a laser."

How did the running light, in the view of the Pentagon, morph from conclusively being not a running light and probably a laser, to precisely the opposite in just two months? ONI imagery analysts are afraid to speak, even on background. Tabor is at sea and has indicated through intermediaries that he is unwilling to talk to reporters. Insight attempted to interview two ONI imagery analysts, but both refused out of fear that the Navy would retaliate against them.

Other knowledgeable Navy sources

interviewed by Insight say that honest differences of opinion could exist among imagery analysts about whether the light anomaly is indeed a laser flash, though the U.S. Army Medical Research Detachment at Brooks Air Force Base reproduced the image almost exactly on Daly's digital camera by using a helium neon laser. Even so, there is no disputing that the photograph released by the Pentagon was altered to remove the telltale yellow and white pixels.

Pentagon public affairs insists it didn't alter the photo and that it published the image on its DefenseLink Website just as it was received. "This would be as we got the photo from whoever released it," Terry Mitchell of

Pentagon public affairs insists it didn't alter the photo and that it published the digital image on its DefenseLink Website just as it was received.

the audiovisual office of Defense Department Public Affairs tells Insight.

ONI released the photo along with a report signed by Rear Adm. L.L. Poe, then ONI director. But Poe had headed ONI for only a few days and wasn't involved in the report. Earl Sheck, a civilian, ran ONI day-to-day as its executive director at the time, and supervised the internal report. Reached at his Pentagon office, after his recent transfer from ONI, Sheck does not deny the discrepancy between frame 16 and the Pentagon's frame 85. He tells Insight that he wouldn't comment without coordination with Pentagon public affairs. He referred Insight back to Mitchell. Mitchell did not return a follow-up call.

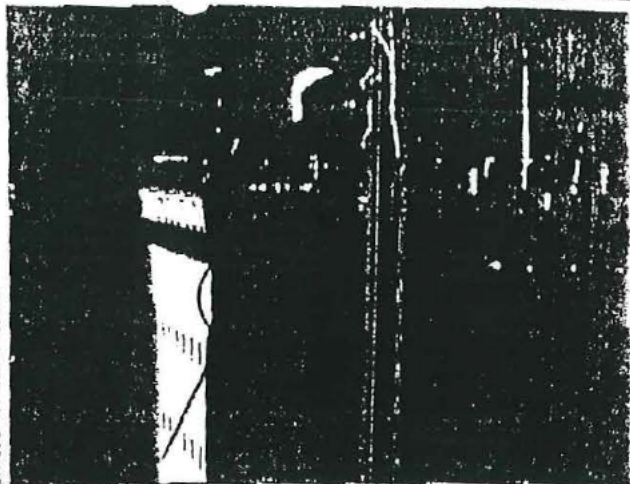
ONI already has been found guilty of wrongdoing. The Navy IG found in August 1999 that ONI illegally retaliated against Daly for having made protected communications to Congress, stating that the insertion of derogatory information in his personnel file was "an unfavorable personnel

action taken by ONI and constituted reprisal." In the IG report, Sheck called Daly "overly paranoid." The IG instructed that the derogatory information be removed from Daly's file and that a special review board consider him for promotion. After having passed him over twice, the Navy decided to promote Daly last September.

ONI appears to be the source of confusing and inaccurate Pentagon information on the *Kapitan Man* issue. Some believe that ONI officials supervising the probe did not want to make a conclusive finding that would upset White House policy of exculpating Moscow. Daly testified before a congressional panel that "ONI's single analyst with a background in lasers reported to his Air Force counterpart that he had been instructed to stay out of the investigation and attempted to unduly influence her not to publish a report on the incident." ONI did not even interview Tabor, the imagery analyst at Esquimalt, or Barnes, the helicopter pilot, for its report. Daly testified, "On two separate occasions and in front of witnesses, two individuals from ONI knowledgeable about the investigation admitted to being influenced by senior officials within the organization and to limit the extent of the investigation."

When ONI completed its investigation, it sent the report to the Pentagon under Poe's signature, along with the altered photograph. On June 26, 1997, Pentagon spokesman Bacon released the photo along with a summary of the ONI report, a news release and a set of questions and answers about the incident. The briefing led the public to conclude that Daly and Barnes probably were lased, but not by *Kapitan Man*; that the laser that wounded them probably was an innocent range finder, not a weapon or espionage device; that *Kapitan Man* was not a spy ship; that the Canadian-U.S. helicopter crew did not single out *Kapitan Man* for special surveillance, so the Russian vessel was not even under suspicion; that the administration did not limit the length or scope of the ship inspection; and that no one on the ship had anything to hide.

The briefing also led to the conclusion that no evidence existed that *Kapitan Man* had been modified in a way that would accommodate a laser, or even suggesting a laser had been aboard; that the red light Daly photographed was definitely not a laser beam but an innocent running light; that not a shred of evidence exists that the laser could have been fired from the ship; and that the eye injuries of



OFFICE OF NAVAL INTELLIGENCE

Now you see it, ... : The Pentagon denies a red flash from the port-side running light on the bridge of the *Kapitan Man* was a laser beam, and released the above photo to prove it. *Insight* has obtained the original photo, right, showing the bright red spot, which Navy analysts say is a laser beam that wounded the photographer, Lt. Jack Daly, and his Canadian pilot. These features have been removed from the photo released by the Pentagon.



Daly and Barnes were not permanent and would heal quickly.

All those conclusions are false.

The Pentagon and the Clinton administration clearly were convinced that the Russian ship fired the laser. The Defense Department pushed for a complete search of the ship, and the State Department filed a diplomatic protest with Moscow. The evolution of assessments of the photo — from definitely being a laser beam to differences of opinion over the image to a 100 percent conclusion that the red

spot was not a laser beam — and the production of a doctored photograph to reinforce that new conclusion indicates a political motivation to mislead, and not an objective intelligence assessment.

The Pentagon even tried to cast doubt on whether Daly and Barnes were lased at all, ultimately concluding that the laser burns might have been caused by an innocent device such as a laser range finder. In reality, no one in the U.S. military seems to know what type of laser wounded Daly

and Barnes. Burns caused by laser range finders, Pentagon spokesman Bacon stated at the time, would heal within a matter of months. Daly and Barnes both tell *Insight* — and reports from the U.S. military laser eye-injury experts at Brooks Air Force Base confirm — that their conditions are worsening after nearly three years.

Bacon carefully chose his words when he implied that *Kapitan Man* was not a spy ship. "We have no direct evidence that the Russian merchant vessel *Kapitan Man* was on an intelligence-gathering mission at the time of the incident of 4 April 1997," he said. In fact, the Pentagon long had suspected the vessel and others of the Far Eastern Shipping Co., or FESCO, as being spy ships. Three weeks before the incident, then ONI chief Michael R. Cramer had been briefed about the problem of FESCO merchant ships and their threats to the U.S. Navy. A top-secret Defense Department report written two days after the lasing said *Kapitan Man* "is suspected of having submarine-detection equipment on board." A secret Canadian military document termed *Kapitan Man* a "high-interest" vessel, a euphemism for spy ship. Another, dated three days after the lasing, called *Kapitan Man* "a suspected SSN/SSBN surveillance vessel" — a spy ship deployed against U.S. attack submarines and ballistic-missile submarines. U.S. searches of *Kapitan Man* in 1993 and 1994 uncovered expendable bathythermographs used for antisubmarine warfare, and sonobuoys to pick up the sounds of ships and submarines at sea.

The Canadian helicopter on that fateful day, according to Bacon, was on "routine maritime patrol" at the time of the incident and did not single out *Kapitan Man* for surveillance. *Insight* has obtained declassified Canadian military documents indi-

that this is untrue. According to documents, U.S. and Canadian forces had been watching *Kapitan Man* as it "loitered" 10 miles off Juan de Fuca Island March 29-30, along with a sister ship, the *U.S.S. Anadyr*. On April 1, *Kapitan Man* was followed by Canada's Maritime Forces and a P-3 Aurora surveillance plane to follow *Kapitan Man* as it steamed off the coast of Vancouver. It was then that the Barnes-Daly probe photographed the vessel at Juan de Fuca.

In a Q&A, the Pentagon says that the State Department searched the ship for "sensitive areas?" answering, "No, this was not a search." Secret U.S. documents obtained by *Insight* Times reporter Bill Gertz, *Betrayal*, and secret Russian documents obtained by *Insight* show that the Clinton administration indeed try to limit the search. Ambassador Collins, the document, basically gave the Russians' notice of the search, limiting the search of the S70-100 to two hours instead of two days. It also limited the search to "sensitive areas" of the vessel. The documents support Daly's testimony that ONI officials admitted to be pressured to limit the scope of

the search. Collins also claimed that the Russians had nothing to hide, saying they "were granted access to the ship to which they had access with one exception" — the engine room. He dismissed the idea that a laser could have been in that compartment.

The Defense Department news release stated that the search "discovered no sign of any recent modification to the ship that might have been made, for example, the removal of the red light from the area below the port running light. The red light had been in place, critics say, this was a well-worded statement. The search indeed discovered such modifications and photographed one on the starboard side of the bridge. The port running light, just below the windows of the bridge, can be accessed from the inside to change the light. U.S. Navy inspectors, accordingly, accessed close to the probe, accessed the access panel of the green light and made a remark. The light assembly was modified with a hinged plate

and a quick-release wing bolt that allowed the entire fixture to be removed in seconds and replaced on a homemade bracket with something else. A U.S. Navy photographer took close-up pictures of this assembly — but only on the starboard side of the ship. Navy sources close to the probe say the inspectors did not open the access panel on the port side that was the subject of the controversy, but they offered no explanation.

Earlier, Navy Intelligence had taken an aerial photo of a sister ship of *Kapitan Man*, the *Anadyr*, with a strange device protruding from the port side running light. The photo is blurry and inconclusive, but a U.S. Navy analyst tells *Insight* that the

One theory is that the laser could be installed in the running-light assembly from inside the bridge and operated from the window with a joystick.

shape, size and dimensions are consistent with a Netherlands-manufactured laser device.

No one seems to know what type of laser might have been involved. One theory is that the laser could be installed in the running-light assembly from inside the bridge and operated from the window with a joystick. In frame 16, a man can be seen on the bridge in the window over the suspected laser flash, but it is unclear what he is doing. In frame 85, the windows are darkened, obscuring the human figure.

The only close-up shot the boarding party took of the red port running light on *Kapitan Man* was taken from outside the ship at an indirect angle. But even that shot shows shiny scratches on the rusty steel of the outer light housing, indicating that something had been removed very recently. The Pentagon never officially released that photo, even though spokesman Bacon told reporters that there was "no sign that anything had been attached and removed. ... There was actually a layer of dirt or grime

on parts of the ship that would have made it pretty easy to see if there had been a tripod set up there or if people had been running around moving equipment on the deck of the ship, and there was no indication that they had been."

It is unlikely the ONI would have informed Bacon; its report, in contradiction of the photographic evidence, states that "there was no indication of abnormal activity on the ship."

While the U.S. and Canadian governments denied that a laser incident involving *Kapitan Man* had occurred, both took emergency action. They immediately terminated all helicopter surveillance patrols over the Strait of Juan de Fuca and canceled the program. Based on U.S. Navy imagery analysis, Canada scrambled to find protective equipment for its pilots and air crews against "laser threats," according to a declassified memorandum. The incident, according to Ottawa, showed the high vulnerability of laser threats and a "strong possibility" that a "legitimate threat exists even in our own backyard."

The Air Force and Navy showed equal concern, acquiring protective equipment for their personnel. After an Air Force intelligence expert on lasers from Wright Patterson Air Force Base briefed the Air Force chief of staff on the lasing, she was sent on a two-year global tour to brief pilots and special-operations crews on the dangers of laser weapons. But ONI retaliated against Daly, according to the Navy Inspector General, calling him a security risk and inserting negative information in his file.

There are other anomalies as well. The section of the ONI report released to the press concluded that the red dot in the photo "has been conclusively established to be the port running light." Only when doctored to remove the white and yellow pixels could the photograph lead analysts to arrive at such a definitive conclusion.

Another section of the ONI report, a section which was not officially released to the public but which *Insight* has secured, tells a different story: "it cannot be conclusively ruled out" that the red dot is a laser beam. That suppressed finding, like the suppressed original photo, contradicts the administration's absolutist line. But it still doesn't answer the central question: Who in the Department of Defense is responsible for faking a photograph and causing the Pentagon public-affairs office to mislead the American people about the lasing of a U.S. Navy officer, and why? ■

DefenseLINK
U.S. DEPARTMENT OF DEFENSE
NEWS

IMAGES

Search:
Home Site Map Web Sites
PUBLICATIONS QUESTIONS?

NEWS

-  [News Articles](#)
 -  [News Releases](#)
 -  [News Photos](#)
 -  [Live News Briefings](#)
 -  [Daily Activities Summary](#)
 -  [Contracts](#)
 -  [Memoranda for Correspondents](#)
 -  [Press Advisories](#)
 -  [Transcripts of News Briefings](#)
 -  [Briefing Slides](#)
 -  [Transcripts of Background Briefings](#)
 -  [News Archive](#)
 -  [Speeches](#)
 -  [Radio News](#)
 -  [News by E-mail](#)
 -  [About News](#)
- [Search News:](#)

[Detailed Search](#)
[Help](#)[Other News Sources](#)

Updated: 06/02/1998
[Contact Us](#)
[Security and Privacy Notice](#)



NEWS RELEASE
OFFICE OF ASSISTANT SECRETARY OF DEFENSE
(PUBLIC AFFAIRS)
WASHINGTON, D.C. 20301

IMMEDIATE
RELEASE

June 26,
1997

No. 339-97
(703)697-5131(media)
(703)697-5737
(public/industry)

DOD COMPLETES ANALYSIS OF SUSPECTED LASING INCIDENT

Summary

The Department of Defense (DoD) recently completed its investigation of the suspected lasing incident of April 4, 1997 involving the Russian merchant vessel M/V Kapitan Man, in Puget Sound near Seattle, Wash. The incident involved the suspected lasing of a Canadian military helicopter -- that is, the illumination of the helicopter by a laser -- by the Russian merchant vessel, resulting in eye injuries to an American naval officer aboard that helicopter. The results of the investigation indicate that the eye injuries to the American officer are consistent with injuries that would be expected from exposure to a low level laser, such as a laser range-finder for example, but that there is no evidence to indicate the source of the laser. Specifically, the investigation could not link the officer's eye injury to a laser on the Kapitan Man or to any other location.

Details

On Friday, April 4, 1997, a United States Navy lieutenant sustained eye injuries that appeared to be consistent with exposure to a low level laser, such as a laser range finder. The injuries apparently were sustained while the lieutenant was aboard a Canadian military helicopter on routine maritime patrol over the Strait of Juan de Fuca north of Puget Sound near Seattle, Wash., conducting surveillance of merchant vessels, including the Russian merchant vessel Kapitan Man, in U.S. territorial waters. The Navy lieutenant was assigned as a liaison officer to the Canadian Maritime Pacific Command.

That night, the lieutenant sought medical attention from a local civilian physician for eye pain. This initial exam indicated corneal abnormalities of an unknown origin. A photograph taken by the lieutenant during the surveillance of the Kapitan Man showed a red light below the port bridge, causing some to suspect a possible laser on board the Russian vessel had illuminated the Canadian helicopter.

Based on this information, Washington decided on Monday, April 7, to detain the Kapitan Man. The detention of the merchant vessel reflected the determination of the Captain of the Port Puget Sound that the Kapitan Man was "suspected of having materials or conditions aboard which constitute[d] an unreasonable hazard." Under the order, the Kapitan Man was prohibited from moving or transferring any cargo "until the completion of a Coast Guard examination to verify that no hazardous condition exists aboard" the vessel. The State Department also notified the Russian Embassy in Washington of the decision to detain and search the Kapitan Man.

The vessel was boarded at approximately 2040 [8:40 p.m.] (EST) by a team consisting of Coast Guard and Navy personnel. The purpose of the search was to locate any hazardous cargo on the vessel, including any laser device that could have been responsible for the lieutenant's eye injuries. The search took about two hours and yielded no safety problems, resulted in no laser equipment being found, and discovered no sign of any recent modifications to the ship that might have indicated, for example, the removal of a laser from the area below the port bridge where the red light had been imaged. Moreover, the Master of the Kapitan Man denied having any laser device on board, and only one crew member indicated he had ever received any laser-related training. The search team indicated that the crew of the merchant vessel did not intentionally deny them access to any area of the ship that they asked to see. Inspection of the port bridge area where the red light had been seen in the photograph revealed two deep red running lights, one mounted above the other, that met the guidelines established for sidelights. Following this search, Washington decided to let the vessel depart Port Puget Sound and to seek the cooperation of the Russian Embassy in evaluating the incident. The M/V Kapitan Man departed the Seattle area on April 8.

Subsequent medical evaluations were conducted April 8-14 at the U.S. Army Medical Research Detachment at Brooks AFB, Texas, which specializes in laser injury and safety issues. Those evaluations drew the conclusion that there was a high probability that the minor burns on the lieutenant's right retina were caused by multiple laser exposures such as might result from a single glimpse at a repetitive pulsed laser. A later medical examination in mid-May did not change this diagnosis.

Subsequent evaluation conducted by the Department of Defense included tests with lasers and the camera used by the lieutenant. The DoD evaluation of the photograph showing a red light on the port bridge indicated that the light was a port navigational running light. DoD tests were able to identify a candidate laser that could have created the type and pattern of retinal injury suffered by the lieutenant, but a photograph of this laser did not produce an image similar to that seen in the photograph of the Kapitan Man. Moreover, hand-held lasers generally do not have the pulse repetition rate necessary to explain the multiple exposures in a single glimpse that the medical examination hypothesized to have occurred. Those types of lasers would have required line of sight contact for tens of seconds, which would have been highly unlikely under the circumstances. Yet, the search of the Kapitan Man revealed no evidence of fixed lasers on

the ship. Another type of laser that could have produced an image similar to that seen in the photograph, by contrast, would not have produced an eye injury like that seen in the lieutenant. Finally, tests involving deep red lights, such as the running lights observed on the ship, were able to duplicate the image seen in the photograph.

Conclusion

The Department believes that the eye injury suffered by the American naval officer is consistent with injuries that would result from exposure to a repetitive pulsed laser. Available evidence does not indicate, however, what the source of such an exposure might have been. Specifically, there is no physical evidence tying the eye injury of the American officer to a laser located on the Russian merchant vessel. The Department is not closing this investigation. There will be additional medical examinations. The Department will analyze any new information that might become available to identify the source of the injury.



[Printer-friendly Version](#)

[Email A Copy](#)



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(MANPOWER AND RESERVE AFFAIRS)
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

SEP 26 2003

MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL

Subj: INQUIRY REGARDING ALLEGATIONS BY LIEUTENANT COMMANDER JACK DALY, U.S. NAVY

The DODIG memorandum of 7 August 03 has been received and the Navy Board for Decorations and Medals (NBDM) is currently reviewing LCDR Daly's case for consideration for the Purple Heart Medal. A final determination and response to this request will be delivered to DODIG by 7 November.

In the interim, if you have any questions, please contact
(b)(6) at (b)(6) /email: (b)(6)

(b)(6)

Anita K. Blair
Deputy Assistant Secretary
of the Navy
(Military Personnel Policy)



DEPARTMENT OF THE NAVY
OFFICE OF LEGISLATIVE AFFAIRS
1300 NAVY PENTAGON
WASHINGTON DC 20350-1300

IN REPLY REFER TO

LA-2:skl
September 8, 1999

MEMORANDUM FOR INTERESTED MEMBERS OF CONGRESS

Subj: LIEUTENANT JACK DALY PERSONNEL RECORDS

1. Appreciating your interest in the current plans, programs, and policies of the Department of the Navy, we are pleased to advise you that the Under Secretary of the Navy Jerry Hultin has directed corrective action to LT Jack Daly's personnel records.

2. The Naval Inspector General investigated LT Jack Daly's allegations of reprisal for reporting of the KAPATAN MAN laser incident. These allegations were substantiated, and the Under Secretary of the Navy has directed that LT Daly be offered a correction of his official record. The corrective action will remove an adverse document from his service record and direct a special selection board to consider LT Jack Daly for promotion.

3. Should you have further questions, the Navy point of contact is (b)(6) (b)(6), JAGC, USN, Office of Legislative Affairs, at (b)(6) (b)(6).

Sincerely,

(b)(6)

R. L. ZELLER
Captain, U.S. Navy
Deputy Chief of Legislative
Affairs



THE UNDER SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

March 9, 2000

The Honorable Robert C. Smith
United States Senate
Washington, DC 20510-2903

Dear Senator Smith:

This is in response to your recent letter regarding an article in *Insight Magazine* entitled "Fixing a Photo to Fit a Policy." The article gave an account of a Navy Lieutenant reportedly injured by a laser emanating from a Russian ship and asserted that the U.S. Navy attempted to deceive the public by altering a photograph.

The details of what is known as the "KAPITAN MAN incident" were thoroughly investigated by the Department of Defense (DoD) soon after it allegedly happened, as reflected in the attached white paper as well as in the attached DoD News Release of June 26, 1997.

With respect to your concern about the allegations of reprisal against Lieutenant Daly, the Naval Inspector General (IG) did conduct an inquiry and substantiated that officials at ONI took an unfavorable personnel action against him. The action in question dealt with a fitness report in which Lieutenant Daly allegedly received a lower rating in retaliation for making protected communications to the Deputy Director of Naval Intelligence, the Executive Director of ONI and the House Permanent Subcommittee on Intelligence. The IG's investigation did not focus on the lasing allegations themselves and the findings in no way reflect on the credibility of Lieutenant Daly's claims that an incident occurred.

As a result of the IG findings and recommendations, I directed that a new selection board with the adverse material removed from Lieutenant Daly's record be held. The board recommended Lieutenant Daly for promotion to Lieutenant Commander on October 21, 1999, and the Deputy Secretary of Defense approved that recommendation.

Contrary to Mr. Waller's accusations, no evidence of a cover up by ONI or the Department of Defense was found. No one has been instructed to "sweep this under the rug," no one was discouraged from participating in the investigation, and there

have been no threats, real or perceived, made against imagery analysts or anyone else involved in this matter.

In regards to your questions about laser threats, the Navy has been working with the Army and the Air Force in developing laser eye protection and laser warning systems for our service members who are going into harm's way. Laser protection systems are already available to many deploying units. In this fashion, the Navy hopes to prevent laser exposure.

As always, if I can be of any further assistance, please let me know.

(b)(6)

Jerry MacArthur Hultin
Under Secretary of the Navy

Attachments:

1. White Paper
2. DoD News Release of June 26, 1997



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

26 March 2001

The Honorable Robert C. Smith
United States Senate
Washington, D.C. 20510-2903

Dear Senator Smith:

This supplements an earlier letter you received from former Secretary of the Navy Richard Danzig regarding your concerns about Lieutenant Commander Jack Daly, United States Navy. In that letter, Secretary Danzig advised you that an independent review of Lieutenant Commander Daly's case would be conducted to determine if additional investigatory work was warranted and to make any recommendations suggested by this *de novo* review.

The review of Lieutenant Commander Daly's case has now been completed and is enclosed. This comprehensive review concludes that a further investigation would not produce any additional relevant evidence as to what happened to Lieutenant Commander Daly. I agree. The available evidence is simply insufficient to conclude definitively that Lieutenant Commander Daly's injuries were, or were not, caused by a laser fired from the KAPITAN MAN on April 4, 1997. Additional investigatory work would not change this conclusion. As such, I have directed that this matter be closed.

I trust that this response has been helpful in addressing your concerns about Lieutenant Commander Daly. Your continued support for our Sailors and Marines is, as always, greatly appreciated.

Sincerely,

(b)(6)

Robert B. Pirie Jr.
Secretary of the Navy
Acting

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

27 February 2001

MEMORANDUM FOR THE ACTING SECRETARY OF THE NAVY

Via: General Counsel of the Navy

Subj: REVIEW OF KAPITAN MAN INCIDENT

This is in response to your request that I review this matter to determine whether additional investigative work is warranted in light of Senator Smith's letter of October 11, 2000. As you know, on April 4, 1997, LCDR Daly reported an eye injury that he believed was caused by a laser fired at him on that date from the Russian merchant vessel, KAPITAN MAN. Subsequent investigations and reviews have not been able to link LCDR Daly's eye injury to a laser attack from KAPITAN MAN or from any other location. As explained in detail below, I have reviewed the investigations and reviews conducted into this matter and have concluded that no further investigative efforts are warranted.

Consistent with your direction, my examination of the KAPITAN MAN incident addressed only the issue of whether further investigative efforts would link LT Daly's eye injury to a laser fired from KAPITAN MAN on 4 April 1997, or from any other source. I have not examined other issues raised by Senator Smith's letter, including LCDR Daly's allegations of cover-up. Since these other allegations involve actions taken after the incident itself, examination of them would not shed any further light on what occurred during LCDR Daly's encounter with KAPITAN MAN.

The evidence we have regarding the KAPITAN MAN incident falls into three categories: medical evidence related to LCDR Daly's eye injury; evidence uncovered during the search of KAPITAN MAN shortly after the incident; and photographic evidence. While this evidence does not establish the source of LCDR Daly's eye injury, it provides, in my estimation, as complete a record as possible regarding what happened during LCDR Daly's encounter with KAPITAN MAN.

1. Medical Evidence.

After observing and photographing KAPITAN MAN and other vessels in the Straits of Juan de Fuca, LCDR Daly returned to

his base and reported eye pain. An examination conducted by a local civilian physician indicated corneal abnormalities of an unknown origin. Between April 8 and 14, 1997, additional medical evaluations were conducted at the U.S. Army Medical Research Detachment at Brooks AFB, Texas. The conclusion drawn from these evaluations was that there was a high probability that LCDR Daly's injuries were caused by multiple laser exposures such as might result from a single glimpse at a repetitive pulsed laser. This diagnosis remained unchanged after a subsequent medical evaluation in May 1997.

Senator Smith's letter does not take issue with these medical findings. He contends that a statement in the Navy's White Paper of 9 March 2000, that LCDR Daly reported eye pain after returning to his base, is inaccurate. According to Senator Smith's letter, LCDR Daly reported eye pain "upon questioning by Chief Tabor. . ." Since Chief (b)(6) questioning occurred after LCDR Daly returned to the base and both the Navy and LCDR Daly agree that his injuries are consistent with exposure to a laser device, this factual dispute is not significant. In any event, a further medical assessment of LCDR Daly's eye injury would provide no additional insight into whether a laser fired from KAPITAN MAN was the cause of his injuries.

2. The search evidence.

Three days after the incident, while KAPITAN MAN was in port, the vessel was boarded and searched by U.S. personnel from the USCG Maritime Safety Office (MSO), USCG Group Seattle, Coast Guard Investigative Service, ONI, Naval Criminal Investigative Service (NCIS), and the FBI. At the time this search was conducted, the boarding team was aware that the area of the portside running light was suspected as being the source of the laser and that location on the vessel was closely examined.

This examination revealed a red portside running light at that location. According to the search team, the light initially appeared to be black, but once grime was wiped off, they observed a deep red color. The team found that the light met the guidelines established for running lights. The access hatch to this area appeared undisturbed and was covered with a layer of dirt, dust, and grime with no evidence of tampering or modification. During the search of the vessel, several photographs were taken, but none depict the port side running light. The boarding team also searched other areas of the vessel and reported no resistance. However, an area identified

as the ship's library was locked at the time of the search and was not entered.

Senator Smith's letter questions the qualifications of the boarding party personnel (noting that only one member had experience with lasers) and the thoroughness of the inspection. Senator Smith correctly points out that the team did not have access to all areas on the vessel where a laser device might be concealed. It is true that more intense investigative efforts might have included, for example, forcibly entering the ship's library. While it is not clear whether Coast Guard protocols for in-port examinations would have permitted it, doing so would have eliminated any doubt about the concealment of laser equipment behind the locked library door.

Looking at this matter nearly three years later, I believe the efforts undertaken at the time were entirely reasonable and sufficiently thorough. Had laser activity occurred as LCDR Daly originally described it, i.e., by a laser device mounted at the same location as the port side running light, I believe the investigative efforts undertaken at the time would have found evidence of it. In any event, KAPITAN MAN has long since left U.S. jurisdiction and, even if a further examination were possible now, it is highly unlikely that additional relevant evidence could be found.

3. The photographic evidence.

In my view, the most descriptive body of evidence of the KAPITAN MAN incident is the 39 photographs taken by LCDR Daly during his seven-minute encounter with the vessel. It is this photographic evidence that is the primary focus of Senator Smith's letter, in particular the conclusion of the Navy and Joint Staff drew from them -- that the red light depicted in image no. 85 (and also depicted in two other photographs) is an energized port side running light and not a laser.

Senator Smith contends that the Navy's analysis of the red dot in image no. 85 and the tests subsequently conducted by the Naval Surface Warfare Center (NSWC) to replicate the image by photographing lasers with the Kodak DCS 420 imaging system do not eliminate the possibility that the image could be a laser. His letter refers to an analysis by an industry expert, not otherwise identified, described as indicating that the image of the port side running light shows "something far more powerful than an incandescent light bulb - most likely a laser device." The fact that this expert may have reached a conclusion

different from the one reached by the Navy's experts does not establish that red dot in image no. 85 is a laser. This is because the Navy's conclusion is not based solely on the Navy's photographic analysis or on the NSWC's tests of the camera. The Navy's conclusion is also based on other facts and circumstances which, when taken together, lead persuasively to the conclusion that the photograph depicts the portside running light and nothing more.

On this point, I consider it particularly significant that the red dot in photograph 85 is at the precise location of the vessel's portside running light. This is confirmed by line drawings of a NORILSK Class Ro/Ro (the same class as the KAPITAN MAN), the boarding party's observations, and by photograph 90, which shows the starboard-side running light in the corresponding location on the starboard side of the bridge structure. At the time KAPITAN MAN was photographed by LCDR Daly, all of the ship's running lights were illuminated and one would expect to find a red light at the exact location depicted in photograph number 85. Thus, regardless of whether aspects of the Navy's analysis of the red dot and its camera tests are disputed, the fact that the red dot appears in exactly the same position as the red portside running light strongly supports the conclusion that the photograph shows the running light.

I have also considered whether further investigative efforts could be expected to produce evidence of another source of a laser on KAPITAN MAN. While it is not possible to prove conclusively that no alternative source of a laser existed on KAPITAN MAN, the evidence indicates that this is unlikely. On 4 April 1997, KAPITAN MAN was under photographic surveillance for the entire period of LCDR Daly's encounter -- approximately seven minutes (between 1240:36 and 1247:55) at altitudes of 60 to 100 feet and distances of 100 to 1200 yards. During this time, LCDR Daly took a total of 41 photographic images; all but two of these images were of KAPITAN MAN.

These photographs disclosed no other potential light source or laser device installed on the vessel. In addition, the photographs show no activity on KAPITAN MAN that could reasonably be interpreted as showing the use of a hand-held laser against the surveillance helicopter. The photographs confirmed the report that the aircrew observed two individuals on the starboard deck aft of the bridge wing and one individual using binoculars from inside the navigation bridge. None of the individuals observed on deck were holding binoculars or other hand-held devices. The individual observed using binoculars

from inside the navigation bridge could not be the source of a laser because a laser would not be employed from inside the bridge window. In addition, as noted in the Navy and DOD reports, because of the movement of LCDR Daly's helicopter as it circled the Russian vessel, it is highly unlikely that a hand-held laser could maintain the type of continuous contact with the lens of LCDR Daly's camera for the period of time necessary to cause injury to LCDR Daly's eye.

I am convinced that there is nothing to be gained from further investigative efforts. The KAPITAN MAN incident has been thoroughly documented, investigated, and subject to several reviews. The entire incident was captured in detail in the photographs taken during the course of LCDR Daly's seven-minute encounter with the Russian merchant vessel. Three days after the incident, a boarding party with representatives of the Navy, Coast Guard, and other law enforcement agencies inspected the ship looking for evidence of a laser. The boarding party's findings were negative.

Subsequently, the Office of Naval Intelligence and the Joint Staff investigated the matter. Those investigations, which considered the entire photographic record, the report of the boarding party, LCDR Daly's reports of his observations, medical evidence, photographic analysis, and tests on the digital imaging system, also reported negative results. Another investigation was conducted by the Navy Inspector General into allegations of reprisal against LCDR Daly. In the course of that investigation, the Naval Inspector General examined evidence relating to a number of LCDR Daly's allegations of cover-up. While the Naval Inspector General found evidence of reprisal against LCDR Daly, no other allegations were substantiated.

These same investigative materials were reviewed in the Navy Secretariat and in the Office of the Secretary of Defense several times over the past three years as the Department responded to questions and inquiries from Congress. The most recent of these reviews was conducted by the Under Secretary of the Navy, whose 9 March 2000 response to Senator Smith triggered this latest round of correspondence. In my estimation, the contemporaneous photographs, physical inspection of the vessel within days of the incident, the three investigative reports, and further reviews conducted by the Navy and DOD to respond to inquiries from Congress have uncovered all available evidence.

While I believe that the KAPITAN MAN incident has been thoroughly and objectively investigated, the evidence relating to the incident is not sufficient for one to conclude that it was impossible for LCDR Daly's injuries to have been caused by a laser fired from KAPITAN MAN. The evidence is also insufficient to support a conclusion that a laser device was fired at LCDR Daly's helicopter on April 4, 1997. What my review of the matter does show, is that a further investigation of the incident now, nearly four years after it occurred and long after the suspected vessel left U.S. control, would produce no further relevant evidence as to what happened on April 4, 1997. Consequently, I believe further investigative efforts to link LCDR Daly's eye injury to KAPITAN MAN are not warranted and that this matter should be closed.

Please let me know if I can be of further assistance with respect to this matter.

(b)(6)

Joseph G. Lynch
Assistant General Counsel
(Manpower and Reserve Affairs)



THE UNDER SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

March 9, 2000

The Honorable Robert C. Smith
United States Senate
Washington, DC 20510-2903

Dear Senator Smith:

This is in response to your recent letter regarding an article in *Insight Magazine* entitled "Fixing a Photo to Fit a Policy." The article gave an account of a Navy Lieutenant reportedly injured by a laser emanating from a Russian ship and asserted that the U.S. Navy attempted to deceive the public by altering a photograph.

The details of what is known as the "KAPITAN MAN incident" were thoroughly investigated by the Department of Defense (DoD) soon after it allegedly happened, as reflected in the attached white paper as well as in the attached DoD News Release of June 26, 1997.

With respect to your concern about the allegations of reprisal against Lieutenant Daly, the Naval Inspector General (IG) did conduct an inquiry and substantiated that officials at ONI took an unfavorable personnel action against him. The action in question dealt with a fitness report in which Lieutenant Daly allegedly received a lower rating in retaliation for making protected communications to the Deputy Director of Naval Intelligence, the Executive Director of ONI and the House Permanent Subcommittee on Intelligence. The IG's investigation did not focus on the lasing allegations themselves and the findings in no way reflect on the credibility of Lieutenant Daly's claims that an incident occurred.

As a result of the IG findings and recommendations, I directed that a new selection board with the adverse material removed from Lieutenant Daly's record be held. The board recommended Lieutenant Daly for promotion to Lieutenant Commander on October 21, 1999, and the Deputy Secretary of Defense approved that recommendation.

Contrary to Mr. Waller's accusations, no evidence of a cover up by ONI or the Department of Defense was found. No one has been instructed to "sweep this under the rug," no one was discouraged from participating in the investigation, and there

have been no threats, real or perceived, made against imagery analysts or anyone else involved in this matter.

In regards to your questions about laser threats, the Navy has been working with the Army and the Air Force in developing laser eye protection and laser warning systems for our service members who are going into harm's way. Laser protection systems are already available to many deploying units. In this fashion, the Navy hopes to prevent laser exposure.

As always, if I can be of any further assistance, please let me know.

Sincerely,

(b)(6)

Jerry MacArthur Hultin
Under Secretary of the Navy

Attachments:

1. White Paper
2. DoD News Release of June 26, 1997

WHITE PAPER ON KAPITAN MAN INCIDENT OF APRIL 4, 1997

On April 4, 1997, while assigned as a liaison officer with the Canadian Military in Esquimalt, British Columbia, Lieutenant Daly, U. S. Navy, flew as an aerial observer and photographer on a Canadian helicopter flight over the Straits of Juan de Fuca. The mission was a routine surveillance flight that included taking photographs of vessels.

One ship observed during the flight was the Russian merchant ship KAPITAN MAN. The KAPITAN MAN, operating as a scheduled cargo carrier, was in U.S. waters en route to a scheduled April 4, 1997, arrival at Tacoma, Washington. The Canadian helicopter drew close to the KAPITAN MAN and Lieutenant Daly took a number of photographs with a digital camera. The mission made two complete passes around the KAPITAN MAN at altitudes between 80 and 100 feet, and then climbed to an altitude of 700 to 800 feet for a pass over the top of the ship. Lieutenant Daly also took photographs of other vessels in the area.

Lieutenant Daly reported eye pain after observing the ship and returning to base. He believed his eye pain was caused by a laser beam emanating from the KAPITAN MAN.

Upon receiving the initial report of the incident, the National Military Command Center, National Security Council, State Department and U.S. Coast Guard were notified. The KAPITAN MAN was subsequently searched on April 7, 1997, in Tacoma. The search was conducted at the direction of the Coast Guard's Captain of the Port of Puget Sound, Washington. The search was based on the vessel being suspected of having hazardous materials or conditions aboard. Four U.S. Navy personnel accompanied the boarding party to aid in identifying any laser device that might be found. The boarding party had access to every space they requested and no laser device was found in any of the spaces searched. The one area not searched was identified as the ship's library and was double-locked with no available keys. Since the boarding party did not sense any deliberate effort by the crew to exclude access and no keys were readily found, it was decided not to make an issue of searching that one space. The specific area of the suspected emission, the area around the port running light, was examined by the boarding party in detail both in-board and out-board for evidence of installation and operation of a laser device. It was noted that the access door to the port running light was rusty and undisturbed and had apparently not been opened in the recent past. After the search was completed, which included

interviewing crew members and inspection of the ship's log, the ship was released.

Under arrangements with the National Intelligence and law enforcement communities, Office of Naval Intelligence (ONI) analysts, shortly after the incident, reviewed files and supporting materials of possible significance to the KAPITAN MAN incident. No information of a laser source aboard the KAPITAN MAN was found in those materials, nor was there any conclusive indication of a special capability or unusual mission for the ship at that time.

Available evidence, including the digital photography of the ship taken during the flight, did not reveal a laser source aboard the ship. Photographs of the ship taken from the helicopter were examined closely to determine if a laser device may have been pointed at the helicopter from the bridge of the vessel. One photograph in particular shows a bright red light emanating from the vicinity of the port running light. That photograph was studied closely by experts who concluded that it depicted the energized port running light, and not a laser device. The photograph, which had been taken by LT Daly, was provided by ONI to the Pentagon for public release. No alterations or changes were made to the digital image.


The experts' opinion was buttressed by imagery tests using the exact same digital camera by the Naval Surface Warfare Center, Dahlgren, Virginia, exploitation of the digital imagery by analysts at ONI, the Coast Guard boarding party's report, and architectural blueprints of the vessel.

In addition, contrary to the allegations made in Mr. Waller's article, the "unaltered" photograph does not demonstrate a laser emission. In response to Lieutenant Daly's allegations, ONI engaged the Pulse Power Group of the Naval Surface Warfare Center (NSWC), Dahlgren Division, to conduct a detailed test program to discover how various light sources were rendered by the Kodak DCS 420 digital imaging system (the same camera system used by Lieutenant Daly). The imaging tests were conducted in weather and lighting conditions similar to those in which the KAPITAN MAN images were taken. There were three light sources used during these tests: a port running light, a Helium-Neon (HeNe) laser, and a Neodymium: Yttrium Aluminum Garnet (Nd:YAG) laser. More than 450 separate images were recorded at selected distances and angles from the light sources, using various camera f-stops, shutter speeds, and zoom factors. The results of these tests conclusively established that a "whitish

core and yellow halo" was a readily discernible characteristic of the running light using light sources (bulbs) manufactured by both U. S. and Russian companies. In contrast, while the laser photographs exhibited a similar core, they also demonstrated an extreme diffraction pattern, even at very low power (27 to 45 times less than a standard conference room laser pointer). If the DCS 420 images recorded on April 4, 1997, had captured a laser illumination, it would have been clearly evident in the image that LT Daly provided to ONI and which was later furnished in unaltered form for public release.

NEWS

-  [News Articles](#)
-  [News Releases](#)
-  [News Photos](#)
-  [Live News Briefings](#)
-  [Daily Activities Summary](#)
-  [Contracts](#)
-  [Memoranda for Correspondents](#)
-  [Press Advisories](#)
-  [Transcripts of News Briefings](#)
-  [Briefing Slides](#)
-  [Transcripts of Background Briefings](#)
-  [News Archive](#)
-  [Speeches](#)
-  [Radio News](#)
-  [News by E-mail](#)
-  [About News](#)

Search News: [Detailed Search](#) [Help](#)[Other News Sources](#)

Updated: 06/02/1998
[Contact Us](#)
[Security and Privacy Notice](#)

**NEWS RELEASE**

OFFICE OF ASSISTANT SECRETARY OF DEFENSE

(PUBLIC AFFAIRS)

WASHINGTON, D.C. 20301

**IMMEDIATE
RELEASE**June 26,
1997

No. 339-97
(703)697-5131(media)
(703)697-5737
(public/industry)

DOD COMPLETES ANALYSIS OF SUSPECTED LASING INCIDENT**Summary**

The Department of Defense (DoD) recently completed its investigation of the suspected lasing incident of April 4, 1997 involving the Russian merchant vessel M/V Kapitan Man, in Puget Sound near Seattle, Wash. The incident involved the suspected lasing of a Canadian military helicopter -- that is, the illumination of the helicopter by a laser -- by the Russian merchant vessel, resulting in eye injuries to an American naval officer aboard that helicopter. The results of the investigation indicate that the eye injuries to the American officer are consistent with injuries that would be expected from exposure to a low level laser, such as a laser range-finder for example, but that there is no evidence to indicate the source of the laser. Specifically, the investigation could not link the officer's eye injury to a laser on the Kapitan Man or to any other location.

Details

On Friday, April 4, 1997, a United States Navy lieutenant sustained eye injuries that appeared to be consistent with exposure to a low level laser, such as a laser range finder. The injuries apparently were sustained while the lieutenant was aboard a Canadian military helicopter on routine maritime patrol over the Strait of Juan de Fuca north of Puget Sound near Seattle, Wash., conducting surveillance of merchant vessels, including the Russian merchant vessel Kapitan Man, in U.S. territorial waters. The Navy lieutenant was assigned as a liaison officer to the Canadian Maritime Pacific Command.

That night, the lieutenant sought medical attention from a local civilian physician for eye pain. This initial exam indicated corneal abnormalities of an unknown origin. A photograph taken by the lieutenant during the surveillance of the Kapitan Man showed a red light below the port bridge, causing some to suspect a possible laser on board the Russian vessel had illuminated the Canadian helicopter.

Based on this information, Washington decided on Monday, April 7, to detain the Kapitan Man. The detention of the merchant vessel reflected the determination of the Captain of the Port Puget Sound that the Kapitan Man was "suspected of having materials or conditions aboard which constitute[d] an unreasonable hazard." Under the order, the Kapitan Man was prohibited from moving or transferring any cargo "until the completion of a Coast Guard examination to verify that no hazardous condition exists aboard" the vessel. The State Department also notified the Russian Embassy in Washington of the decision to detain and search the Kapitan Man.

The vessel was boarded at approximately 2040 [8:40 p.m.] (EST) by a team consisting of Coast Guard and Navy personnel. The purpose of the search was to locate any hazardous cargo on the vessel, including any laser device that could have been responsible for the lieutenant's eye injuries. The search took about two hours and yielded no safety problems, resulted in no laser equipment being found, and discovered no sign of any recent modifications to the ship that might have indicated, for example, the removal of a laser from the area below the port bridge where the red light had been imaged. Moreover, the Master of the Kapitan Man denied having any laser device on board, and only one crew member indicated he had ever received any laser-related training. The search team indicated that the crew of the merchant vessel did not intentionally deny them access to any area of the ship that they asked to see. Inspection of the port bridge area where the red light had been seen in the photograph revealed two deep red running lights, one mounted above the other, that met the guidelines established for sidelights. Following this search, Washington decided to let the vessel depart Port Puget Sound and to seek the cooperation of the Russian Embassy in evaluating the incident. The M/V Kapitan Man departed the Seattle area on April 8.

Subsequent medical evaluations were conducted April 8-14 at the U.S. Army Medical Research Detachment at Brooks AFB, Texas, which specializes in laser injury and safety issues. Those evaluations drew the conclusion that there was a high probability that the minor burns on the lieutenant's right retina were caused by multiple laser exposures such as might result from a single glimpse at a repetitive pulsed laser. A later medical examination in mid-May did not change this diagnosis.

Subsequent evaluation conducted by the Department of Defense included tests with lasers and the camera used by the lieutenant. The DoD evaluation of the photograph showing a red light on the port bridge indicated that the light was a port navigational running light. DoD tests were able to identify a candidate laser that could have created the type and pattern of retinal injury suffered by the lieutenant, but a photograph of this laser did not produce an image similar to that seen in the photograph of the Kapitan Man. Moreover, hand-held lasers generally do not have the pulse repetition rate necessary to explain the multiple exposures in a single glimpse that the medical examination hypothesized to have occurred. Those types of lasers would have required line of sight contact for tens of seconds, which would have been highly unlikely under the circumstances. Yet, the search of the Kapitan Man revealed no evidence of fixed lasers on


the ship. Another type of laser that could have produced an image similar to that seen in the photograph, by contrast, would not have produced an eye injury like that seen in the lieutenant. Finally, tests involving deep red lights, such as the running lights observed on the ship, were able to duplicate the image seen in the photograph.

Conclusion

The Department believes that the eye injury suffered by the American naval officer is consistent with injuries that would result from exposure to a repetitive pulsed laser. Available evidence does not indicate, however, what the source of such an exposure might have been. Specifically, there is no physical evidence tying the eye injury of the American officer to a laser located on the Russian merchant vessel. The Department is not closing this investigation. There will be additional medical examinations. The Department will analyze any new information that might become available to identify the source of the injury.



[Printer-friendly Version](#)

 [Email A Copy](#)

ARLEN SPECTER
PENNSYLVANIA

COMMITTEES:
JUDICIARY
APPROPRIATIONS
VETERANS' AFFAIRS
GOVERNMENTAL AFFAIRS

United States Senate

WASHINGTON, DC 20510-3802

February 8, 1999

The Honorable Richard Danzig
Secretary of the Navy
1000 Navy Pentagon
Washington, DC 20350-1000

Dear Secretary Danzig:

I am writing on behalf of LT John R. Daly of Philadelphia, Pennsylvania. LT Daly has contacted my office regarding what he considers retaliation against him by the Department of Navy for speaking publicly about injuries he received following an incident involving a Russian ship, the Kapitan Man, and a Canadian helicopter in which he was riding. LT Daly contends that prior to the incident, his fitness reports were exemplary. However, since the incident, his fitness reports have been less than favorable, possibly ending his Navy career. A copy of his correspondence is enclosed.

This is a serious allegation, and I am very concerned about this issue. At your earliest convenience, please advise me what actions you will take to ensure that no retaliation is taken against LT Daly, and that he be allowed to continue his Navy career without interference.

LT Daly further believes that his injuries were the result of a hostile act or an act of terrorism, for which he should be awarded the Purple Heart. Please accord LT Daly's concerns all due consideration.

Thank you for your assistance in this matter.

Sincerely,

(b)(6)

Arlen Specter

AS/hjb
Enclosure

CURT WELDON

7TH DISTRICT, PENNSYLVANIA

2452 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3807

(b)(6)

1554 GARRETT ROAD
UPPER DARBY, PA 19082

(b)(6)

30 SOUTH VALLEY ROAD, SUITE 212
PAOLI, PA 19301

(b)(6)

MIGRATORY BIRD
CONSERVATION COMMISSION
REPUBLICAN POLICY COMMITTEE

E-mail: curtwa7@hr.house.gov



Congress of the United States
House of Representatives
Washington, DC 20515-3807

August 24, 1999

COMMITTEE ON NATIONAL SECURITY
RESEARCH AND DEVELOPMENT, CHAIRMAN
READINESS
MERCHANT MARINE PANEL

COMMITTEE ON SCIENCE
ENERGY AND ENVIRONMENT
BASIC RESEARCH

CO-CHAIRMAN:
CONGRESSIONAL FIRE SERVICES CAUCUS
US-FSU ENERGY CAUCUS
THE EMPOWERMENT CAUCUS
GLOBE OCEAN PROTECTION TASK FORCE
CONGRESSIONAL MISSILE DEFENSE CAUCUS

Admiral Jay Johnson
Chief of Naval Operations
Department Of the Navy
2000 Navy Pentagon
Washington, D.C. 20350-2000

Dear Admiral Johnson:

I am writing to express my outrage with the Navy's unjust treatment of Lt. Jack Daly -- from its handling of the investigation of hostile Russian actions against him, to its recent decision to pass him over for promotion.

Immediately following his surveillance mission against suspected Russian espionage vessel MV Kapitan Man, medical tests confirmed that Lt. Daly had suffered laser injuries to his eyes. At the same time, records show that Administration officials were working to squelch revelations of hostile Russian actions against our military. Not only did the Navy remain silent in the face of an obviously flawed investigation of the Kapitan Man under the direction of Administration officials, but it continually sought alternative medical analysis to contradict findings that Lt. Daly has suffered laser exposure during the surveillance mission.

I am amazed at how far this Administration will go to conceal information which could undermine U.S. support for the Clinton policy of engagement with Russia, but I am unfortunately no longer surprised by its predictable reaction to Russian provocations. But I am appalled that the Navy would legitimize any such effort by overlooking aggression against one of its own. The Navy's refusal to promote Lt. Daly -- who was once recognized as one of its premier aviation intelligence officers -- only heightens my concerns about the service's complicity in carrying out the Administration's political agenda.

Over the years, I have seen the Navy's impressive skill in fighting for funding of ships, submarines, and planes. The service has been quite willing to carry out aggressive campaigns for its priorities, even when those priorities conflict with the Administration's. Yet, when one of its most precious assets -- a highly trained and dedicated officer -- is jeopardized due to political pressure from above, the Navy does nothing to protect him. Even worse, the Navy willingly harms him to meet the demands of Administration officials. I can only conclude that some in the Navy see it as more advantageous to curry political favor than to protect its people and to sustain a quality force. I expected more from a service which prides itself on taking care of its own, and find the Navy's treatment of Lt. Daly even more difficult to accept given the serious recruitment and retention problems the service is experiencing.

Regrettably, Lt. Daly will be forced to leave the Navy after years of outstanding service. But the many questions surrounding the Kapitan Man incident will not go away. As you can see from the attached letter, I contacted Secretary Cohen and Admiral Ratliff requesting a thorough investigation of the Kapitan Man incident and of the investigation which followed. The Navy and the Department owe it to the American people to address the unresolved issues surrounding the Kapitan Man incident, and I intend to press this case until that occurs. The Navy's cooperation in this regard would go a long way toward restoring my confidence in its commitment to its people and to U.S. security interests. I hope I can count on your support, and I look forward to hearing from you.

(b)(6)

CURT WELDON
Member of Congress

CW:nl

DUNCAN HUNTER
520 DISTRICT, CALIFORNIA

COMMITTEE ON NATIONAL SECURITY

CHAIRMAN
SUBCOMMITTEE ON
MILITARY PROCUREMENT

SUBCOMMITTEE ON
MILITARY READINESS



U.S. House of Representatives
Washington, DC 20515-0552

2205 RAYBURN BUILDING
WASHINGTON, DC 20515-0552
(202) 225-5474
FAX: (202) 225-0225

366 SOUTH PIERCE STREET
EL CAJON, CA 92020
(619) 579-3001

1101 AIRPORT ROAD, SUITE Q
IMPERIAL, CA 92201
(760) 353-1420

February 18, 1999

Admiral Jay Johnson
Chief of Naval Operations
Department of the Navy
Washington, D.C.

Dear Admiral Johnson:

I am writing regarding Lt. Jack Daly and his recent testimony before the Subcommittee on Procurement. I appreciated his willingness to testify on the details of his injuries and the events surrounding them.

It is my understanding that you have been instrumental in ensuring that Lt. Daly has received medical attention for his laser wounds. I have reviewed the medical and other records and as I indicated at the hearing believe that Lt. Daly's laser injuries did result from a laser on the Russian vessel, Kapitan Man. I believe Lt. Daly's testimony raised several very important national security issues and will be helpful to the Subcommittee as we continue to review this matter. Finally, I hope that his coming forward and testifying will not prejudice his chance of promotion.

I look forward to working with you in the coming year. Please do not hesitate to call me if you would like to discuss this or any other matter.

With best wishes.

(b)(6)

Duncan Hunter
Member of Congress

DH/vm



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

10 August 2004

MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL

Subj: CONSIDERATION OF PURPLE HEART AWARD ICO LIEUTENANT COMMANDER
JACK DALY, USN

This is in response to your August 7, 2003 memorandum to the Acting Secretary of the Navy, containing results of the Department of Defense Inspector General (DODIG) review of Navy's investigation of LCDR Daly's case. That review resulted in DODIG's finding that "Navy investigations satisfactorily addressed matters at issue and concluded, as did the Navy, that further investigation would not produce evidence that could resolve the existing uncertainty with respect to the cause of LCDR Daly's documented eye injuries."

The DODIG review identified one remaining issue in LCDR Daly's case, namely, that he had not been considered for a Purple Heart as a result of this incident. Accordingly, you recommended "that the appropriate authority within the Department of the Navy consider whether LCDR Daly should be awarded a Purple Heart for his injuries identified after this incident." You further stated, "The Navy's acknowledged uncertainty as to whether LCDR Daly's eye injuries were caused by 'an act of any hostile foreign force' should arguably be resolved in LCDR Daly's favor, resulting in consideration for a Purple Heart."

The President of the Secretary of the Navy Awards Board referred your recommendation to the Chief of Naval Operations (CNO), whose Awards Board staff normally handles Purple Heart recommendations. After extensive careful and diligent review, including consultation with Navy intelligence, the CNO concluded that this case does not meet the eligibility requirements for an award of the Purple Heart. In summary, even assuming that the injuries were indeed caused by a laser aimed from the Russian-flagged merchant vessel KAPITAN MAN, there is no basis to declare that ship a hostile force or the incident a terrorist act.

After substantial review, the Secretary of the Navy concurs with the findings and recommendation of the CNO. To award a Purple Heart in this case would be a significant departure from the standards and criteria set forth in the governing Executive Order and Department of the Navy regulations. Accordingly, while we regret any injuries LCDR Daly sustained while in service to his country, the facts of this case do not support an award of the Purple Heart under the established applicable rules.

(b)(6)

William A. Navas, Jr.
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

(b)(6), OIG DoD

From: (b)(6) A OPNAV (b)(6)

Sent: Wednesday, January 07, 2004 5:37 PM

To: (b)(6)

Cc: (b)(6) A OPNAV

Subject: DALY - PURPLE HEART

Mr. Lloyd:

I am the Branch Head for the CNO Awards Office. We are anticipating reviewing Mr. Daly for the possible award of the Purple Heart. However, we have been provided none of the required documents on him for consideration of the Purple Heart. I'm told you may hold his medical records and other pertinent information needed to conduct the review. If this information cannot be released, I would like to set up a time on Monday, 12 January 04 to visit your office and review the information you hold. We would like to consider his case at an upcoming Awards Board - to facilitate that effort, I would need to obtain/review the info you hold ASAP.

I can be reached on (b)(6) I also left you a telephone message today. I will need specifics on your location in Crystal City as I am not very familiar with the Crystal City complex. Thank you in advance for all your assistance.

Regard,

BWILSON

NAVY AWARDS, (b)(6)

(b)(6)

(b)(6) OIG DoD

From: Coyle, Stephen CAPT (AAUSN-NAVIG) **(b)(6)**]
Sent: Wednesday, January 14, 2004 1:03 PM
To: **(b)(6)**
Cc: Wilson, Barbara A OPNAV; King, Millie CDR (Naval Inspector General)
Subject: LT DALY AWARD

Please provide copy of LT Daly's medical evaluations related to his eye injury. In particular any records from Brooks Air Force Base. Please provide to **(b)(6)** **(b)(6)**. These record are needed to process a Purple Heart Award in his case.

SJCoyle

Stephen Coyle
CAPT, JAGC, USN
Special Assistant for Legal and Legislative Matters
Naval Inspector General
1014 N St. SE, Suite 100
Washington Navy Yard, DC 20374

direct: **(b)(6)** cell: **(b)(6)**
office: **(b)(6)** fax: **(b)(6)**

(b)(6), OIG DoD

From: (b)(6), OIG DoD
Sent: Friday, October 24, 2003 10:28 AM
To: (b)(6) (Military Personnel)
Subject: RE: DCN2003U179000168 Awarding of the Purple Heart to LCDR Jack Daly, USN

(b)(6)

Your extension is approved. Please keep me informed.

Thanks

(b)(6)

DoD-IG

(b)(6)

-----Original Message-----

From: (b)(6) (Military Personnel) (b)(6)
Sent: Friday, October 24, 2003 8:16 AM
To: (b)(6)
Cc: (b)(6) ASN(M&RA); Murphy, Carl S CDR ASN(M&RA)
Subject: DCN2003U179000168 Awarding of the Purple Heart to LCDR Jack Daly, USN
Importance: High

(b)(6)

The Navy Board for Decorations and Medals has been advised by Admiral Church to send LCDR Daly's Purple Heart proposal through the normal awards process. This means that his award must first be determined by the CNO Awards Board before coming up to the SECNAV Awards Board. The will cause significant delay is responding to the DODIG memo by 7 November. It is estimated that it will be at least mid January before a determination is made in this case.

Additionally, the Washington Times featured an article in yesterday's newspaper concerning this proposed award which obviously will be addressed by Navy during the award review process. Request an extension to the end on January to carefully look at this award proposal.

(b)(6)

ASN M&RA
Staff Action Officer

(b)(6)

Lloyd, David, OIG DoD

From: (b)(6), OIG DoD
Sent: Friday, October 24, 2003 10:12 AM
To: (b)(6), OIG DoD
Subject: FW: DCN2003U179000168 Awarding of the Purple Heart to LCDR Jack Daly, USN

Dave: You can do the honors in a return message to (b)(6).

-----Original Message-----

From: Horstman, Donald M., OIG DoD
Sent: Friday, October 24, 2003 10:10 AM
To: McClelland, Gregory A., OIG DoD
Subject: RE: DCN2003U179000168 Awarding of the Purple Heart to LCDR Jack Daly, USN

Tell them the extension is approved.

-----Original Message-----

From: (b)(6), OIG DoD
Sent: Friday, October 24, 2003 10:09 AM
To: (b)(6), OIG DoD
Cc: (b)(6), OIG DoD
Subject: FW: DCN2003U179000168 Awarding of the Purple Heart to LCDR Jack Daly, USN
Importance: High

FYI. Seems to me we should inform the front office, but don't know if they have authority to impose a timeline on Navy!

-----Original Message-----

From: (b)(6), OIG DoD
Sent: Friday, October 24, 2003 9:43 AM
To: (b)(6), OIG DoD
Subject: FW: DCN2003U179000168 Awarding of the Purple Heart to LCDR Jack Daly, USN
Importance: High

Do we need to clear this with front office for extension?

-----Original Message-----

From: (b)(6) (Military Personnel) [mailto:(b)(6)]
Sent: Friday, October 24, 2003 8:16 AM
To: (b)(6)
Cc: (b)(6) ASN(M&RA); Murphy, Carl S CDR ASN(M&RA)
Subject: DCN2003U179000168 Awarding of the Purple Heart to LCDR Jack Daly, USN
Importance: High

(b)(6)

The Navy Board for Decorations and Medals has been advised by Admiral Church to send LCDR Daly's Purple Heart proposal through the normal awards process. This means that his award must first be determined by the CNO Awards Board before coming up to the SECNAV Awards Board. This will cause significant delay in responding to the DODIG memo by 7 November. It is estimated that it will be at least mid January before a determination is made in this case.

Additionally, the Washington Times featured an article in yesterday's newspaper concerning this proposed award which obviously will be addressed by Navy during the award review process. Request an extension to the end of January to carefully look at this award proposal.

(b)(6) [REDACTED]
ASN M&RA
Staff Action Officer
(b)(6) [REDACTED]

Lloyd, David, OIG DoD

From: (b)(6) OPNAV (b)(6)
Sent: Wednesday, January 07, 2004 5:37 PM
To: (b)(6)
Cc: (b)(6) OPNAV
Subject: DALY - PURPLE HEART

(b)(6)

I am the Branch Head for the CNO Awards Office. We are anticipating reviewing Mr. Daly for the possible award of the Purple Heart. However, we have been provided none of the required documents on him for consideration of the Purple Heart. I'm told you may hold his medical records and other pertinent information needed to conduct the review. If this information cannot be released, I would like to set up a time on Monday, 12 January 04 to visit your office and review the information you hold. We would like to consider his case at an upcoming Awards Board - to facilitate that effort, I would need to obtain/review the info you hold ASAP.

I can be reached on (b)(6) I also left you a telephone message today. I will need specifics on your location in Crystal City as I am not very familiar with the Crystal City complex. Thank you in advance for all your assistance.

Regards,

(b)(6)

NAVY AWARDS, (b)(6)

(b)(6)

1/14/2004



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(MANPOWER AND RESERVE AFFAIRS)
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

SEP 26 2003

MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL

Subj: INQUIRY REGARDING ALLEGATIONS BY LIEUTENANT COMMANDER JACK DALY, U.S. NAVY

The DODIG memorandum of 7 August 03 has been received and the Navy Board for Decorations and Medals (NBDM) is currently reviewing LCDR Daly's case for consideration for the Purple Heart Medal. A final determination and response to this request will be delivered to DODIG by 7 November.

In the interim, if you have any questions, please contact
(b)(6) at (b)(6) email: (b)(6).

(b)(6)

Anita K. Blair
Deputy Assistant Secretary
of the Navy
(Military Personnel Policy)

Provided by

[REDACTED]

(b)(6)

CDR Gregory Gorsuch, MSC, USN
MED-212/762-3448
6 November 1997

SUSPECTED LASER EYE INJURY OF NAVAL OFFICER

PURPOSE: Provide CNO updated information regarding Naval Officer's suspected eye injury.

BACKGROUND:

- LT John R. Daly, (b)(6), Office of Naval Intelligence, Foreign Intelligence Liaison Office.
 - Experienced surface right eye irritation following 4 April 1997 mission. Follow-on eye examinations by civilian physicians demonstrated largely normal vision with corneal abrasions. Due to nature of mission and increasing symptoms, referred by flight surgeon to DoD's laser bioeffects researchers at US Army Medical Research Detachment, at Brooks AFB. First visit 8-10 April 1997.
- USAMRD found essentially normal vision, with very minor functional abnormalities and small physical changes highly suggestive of a repetitively pulsed laser beam hitting right eye.
- Follow-on visits on 21-23 May 1997 and 4-8 August 1997, show better than normal vision, improving functional tests and retinal abnormalities unchanged. Patient continued to complain of headaches around the (R) eye and front of head, (R) eye "pressure sensation" and "decreased vision."
- BUMED contacted LT Daly 8 August 1997 to determine next course of medical treatment, suggested follow-on care be provided by NH Bremerton, with assistance of retinal experts from USN and USA.

DISCUSSION:

- Eye evaluations done by USAMRD remain sole evidence for sailor's exposure to laser light. The eye exams cannot accurately place this exposure in time nor can it accurately determine type of laser.
- CDR K. Holsten, MC, USN an Ophthalmologist at NH Bremerton saw LT Daly, 18 September 1997. He found "no discrete foveal defects with unexplained right orbital pain following a possible laser event." He was given a prescription for glasses to help reduce fatigue and headaches and eye lubricating medications. CDR Holsten encouraged LT Daly to return to NH Bremerton for further treatment.
- LT Daly still experiences multiple serious debilitating symptoms that the ophthalmologists cannot explain. These include: headaches, pain around the eye, burning eyes and "most of the time it feels like brain-freeze from eating too much ice-cream." These symptoms have eluded treatments to date.

RECOMMENDATION: Continued care of LT Daly by Navy clinicians at NH Bremerton, if symptoms remain untreatable refer to civilian pain specialists.

POINT PAPER APPROVED
HAROLD M. KOENIG
VADM, MC, USN

Surgeon General of the Navy

CDR Gregory Gorsuch, MSC, USN
MED-212/762-3448
13 August 1997

SUSPECTED LASER EYE INJURY OF NAVAL OFFICER

PURPOSE: Provide CNO background information regarding Naval officer's suspected eye injury.

BACKGROUND:

- LT John R. Daly, (b)(6), Office of Naval Intelligence, Foreign Intelligence Liaison Office.
- Experienced surface right eye irritation following a 4 April mission. Follow-on eye examinations by civilian physicians demonstrated largely normal vision with corneal abrasions. Due to nature of mission and increasing symptoms, referred by flight surgeon to DoD's laser bioeffects researchers at US Army Medical Research Detachment, at Brooks AFB. First visit 8-10 April.
- USAMRD found essentially normal vision, with very minor functional abnormalities and small physical changes highly suggestive of a repetitively pulsed laser beam hitting right (R) eye.
- Follow-on visits on 21-23 May and 4-8 August, show better than normal vision, improving functional tests and retinal abnormalities unchanged. Patient continues to complain of headaches around the (R) eye and front of head, a (R) eye "pressure sensation" and "decreased vision."

DISCUSSION:

- Eye evaluations done by USAMRD remain sole evidence for LT Daly's exposure to laser light. The eye exams cannot accurately place this exposure in time nor can it accurately determine type of laser.
- BUMED contacted LT Daly 8 August to determine next course of medical treatment, suggested follow-on care be provided by NH Bremerton, with assistance of retinal experts from USN and USA.

RECOMMENDATION: LT Daly be seen by Navy clinicians at NH Bremerton.

(b)(6)

POINT PAPER APPROVED
HAROLD M. KOENIG
VADM, MC, USN
Surgeon General of the Navy

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Friday, November 14, 1997 6:54 AM
To: 'Regan Chambers'
Subject: RE: UPDATED POINT PAPER RE LT JACK DALY

Sir,

I spoke with Dr. (b)(6) last week and he says no. He might have been referring to a follow-up visit in six months to Texas, but as far as I know this is not an "order," in the military sense. I've also attached (if you didn't receive it) my last point paper to the SG on the subject.



V/R Greg

-----Original Message-----

From: (b)(6) (b)(6)
Sent: Friday, November 07, 1997 10:38 PM
To: Gorsuch, Gregory M. CDR BUMED
Subject: Re: UPDATED POINT PAPER RE LT JACK DALY

thanks for the update, greg. will use this as background to brief the new dni, radm jacoby. would appreciate anything else you might have on the subject. as i control his travel, dont recall any subsequent (post bremerton) travel to brooks, but maybe my deputy signed it out. did they in fact order him to return?

v/r, (b)(6)

-----Original Message-----

From: Gorsuch, Gregory M. CDR BUMED <(b)(6)>
<(b)(6)>
To: (b)(6) LCDR BUMED <(b)(6)>
<(b)(6)>
Cc: 'Chambers' <(b)(6)>
Date: Friday, November 07, 1997 7:23 AM
Subject: RE: UPDATED POINT PAPER RE LT JACK DALY

(b)(6)

He has been seen by multiple civilian ophthalmologists (most recently he notes two in specialists in Alberta, for instance) in addition to some of the world's leading specialists in laser injuries. Their conclusions are that his symptoms are unrelated to any possible "laser event." This is what CDR Holsten also noted. Our recommendation to go to NMC San Diego to be evaluated by the Navy's leading retinal specialist has also been rebuked by him. LT Daly will not be convinced that he is not suffering from trauma related to the Kapitan Man incident--he has dismissed every evaluation by civilian and military physicians alike, and continues to pander his suffering to the press.

Our hopes in getting him into NH Bremerton was to move away from the notion that his problems were somehow special, unique or related to this incident or his eyes. I had hoped that Bremerton would have referred him to a Pain Clinic or neurologist (or psychiatrist), but evidently he "primed the pump" by convincing the physicians that he was a "special case" of unusual importance and that really the only ones that could detect his problems was Brooks AFB, he further told them he had been "ordered" to return to Brooks AFB for further evaluation and treatment. I had really hoped that by having him seen locally we could concentrate on his symptoms as opposed to the supposed reason for his

symptoms--taken in that fashion he just becomes another Sailor with headaches (and by the way, better than average visual acuity in both eyes).

Rather than letting LT Daly continue to manipulate this situation, by forcing Navy Medicine into defending its conclusions that his symptoms are of unknown etiology and seemingly unamenable to treatment, I would let this die quietly by simply explaining to him that he has been evaluated by over 10 ophthalmologists (including some of the world's experts on laser injuries), several neurologists and multiple general physicians and that we cannot determine the reason for his problems. Further, I'd tell him that if his symptoms are interfering with his duties then we'd be happy to refer him for a fitness for duty evaluation.

I'll be TAD to San Diego starting tomorrow, and will be back the 14th of Nov. I've spoken to CDR Holsten about this and to the specialists at Brooks AFB they both feel that further evaluation of his eyes will yield no further information--and LT Daly is well aware of this. If however, it is felt that it is prudent to seek further civilian evaluation, I'll call CDR Holsten and Dr. Stuck and see whom they might recommend.

V/R Greg

> -----Original Message-----

> From: (b)(6) LCDR BUMED

> Sent: Thursday, November 06, 1997 6:41 PM

> To: Gorsuch, Gregory M. CDR BUMED

> Cc: Breeden, Gary C. CAPT BUMED; (b)(6)

> Subject: UPDATED POINT PAPER RE LT JACK DALY

> Importance: High

>

> CDR -

>

> Thanks for the update.

>

> Attached is returned for further staffing. Given that LT Daly is
> still experiencing symptoms and we have been unable to identify why he
> is having lingering vision problems and other concerns, it is prudent
> to explore obtaining a civilian ophthalmologist to examine him. Pls
> do so and revise attached point paper accordingly. Pls return NLT 13
> Nov 97.

>

> << File: DALY2r.doc >>

>

> VR/

> (b)(6)

>

>

> (b)(6)

> (b)(6) MSC USN

> Administrative Officer to the Surgeon General of the Navy

>

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Thursday, December 11, 1997 6:43 AM
To: (b)(6)
Subject: RE: UPDATED POINT PAPER RE LT JACK DALY

Sir,

Done. Capt Bothwell will be assured if she is not already.

Thank you for the information. Anything further please let me know.

V/R Greg

-----Original Message-----

From: (b)(6) (b)(6)
Sent: Thursday, December 11, 1997 6:06 AM
To: Gorsuch, Gregory M. CDR BUMED
Subject: Re: UPDATED POINT PAPER RE LT JACK DALY

please assure capt bothwell that Lt daly is not/not being coerced into going to san diego. we want him to be seen by whomever he needs to to get the best possible assessment of his condition and get him the best possible care. brooks has done a lot. we just want to provide the opportunity for navy to take care of its own -- as we discussed before.

yes radm jacoby is onboard -- he assumed oni and dni about a month ago.

many thanks again for your help.

v/r, (b)(6)

-----Original Message-----

From: Gorsuch, Gregory M. CDR BUMED <(b)(6)>
<mailto:(b)(6)>
To: (b)(6) <(b)(6)> <mailto:(b)(6)>
Date: Wednesday, December 10, 1997 7:12 AM
Subject: RE: UPDATED POINT PAPER RE LT JACK DALY

Sir,

I talked with CDR Holsten and CAPT Bothwell the 26th of November and we discussed LT Daly's options. CAPT Bothwell was concerned that this be LT Daly's decision (to visit San Diego) and that he not be coerced. I've talked with CDR Pete (b)(6) (the Navy's retinal specialist). He's been following the case from a distance and has read many of the messages from Brooks. Although previously he had expressed skepticism in Brook's evaluation, he will be objective in his evaluation and will provide the best medical care the Navy has to offer.

Whether there is any treatment for LT Daly's continued symptoms is less certain. When a young Marine Corporal blinded himself in both eyes in April 94 at 29 Palms with a laser rangefinder (at arms length) he had almost no symptoms other than he couldn't see anything in his central field of view. CDR (b)(6) did what he could, providing exceptional care but ultimately (about a year after the injury) the Corporal was discharged with a medical disability. The Cpl had clear clinical findings and two large "holes" in his retinas, I'm not sure what can be done when the clinical findings in the LT's case are so equivocal.

Is RAdm Jacoby at ONI?

V/R Greg

> -----Original Message-----

> From: (b)(6) (b)(6)

> Sent: Wednesday, December 10, 1997 5:03 AM

> To: Gorsuch, Gregory M. CDR BUMED

> Cc: CAPT Regan Chambers

> Subject: Re: UPDATED POINT PAPER RE LT JACK DALY

>

> many thanks -- understand from phonecon with Lt daly yesterday that he

> is sked for 16 dec with san diego,

> but didnt have a time yet. pls stress that this is very important.

> we are making arrangments for him to travel

> during that timeframe and he needs to be seen.

>

> Lt daly by the way has asked for a call with radm jacoby -- i would

> appreciate a current assessment before

> that call which we will schedule after 16 dec. my concern is not

> which way it goes, but that we get an

> assessment by this specialist.

>

> thanks for all of your help with this.

>

> v/r, (b)(6)

> -----Original Message-----

> From: Gorsuch, Gregory M. CDR BUMED <(b)(6)>

<mailto:(b)(6)>

> <mailto:(b)(6)>

> To: 'Regan Chambers' <(b)(6)>

> <(b)(6)>

> Date: Friday, November 21, 1997 7:07 AM

> Subject: RE: UPDATED POINT PAPER RE LT JACK DALY

>

>

>

>

>

> That's good. I've talked with CDR Holsten, at length, and he

> seems to

> be attuned to the idea of looking at all of LT Daly's symptoms,

> and

> makng referrals as necessary. I'll see if I can find out

> when/where so

> that we can get a quick follow-up.

>

> V/R Greg

>

> > -----Original Message-----

> > From: Regan Chambers I (b)(6)

> > <mailto:(b)(6)>

> > Sent: Thursday, November 20, 1997 10:04 PM

> > To: Gorsuch, Gregory M. CDR BUMED

> > Subject: Re: UPDATED POINT PAPER RE LT JACK DALY

> >

> > thanks greg -- fyi, jack passed to me thru the area desk

> > officer that

> > he is having eye trouble again and will be trying to go see
> the doctor
> > at bremerton -- i have told him yes, but also indicated that i
> wanted
> > to know when. this may be the time to have someone else see
> jack.
> >
> > v/r, (b)(6)
> > -----Original Message-----
> > From: Gorsuch, Gregory M. CDR BUMED <
> (b)(6) <
> (b)(6) >
> > <mailto: (b)(6) >
> > To: (b)(6) < (b)(6)
> > <mailto: (b)(6) >
> > <mailto: (b)(6) >
> > Date: Friday, November 14, 1997 6:51 AM
> > Subject: RE: UPDATED POINT PAPER RE LT JACK DALY
> >
> >
> > Sir,
> >
> > I spoke with (b)(6) last week and he says no. He might have
> > been
> > referring to a follow-up visit in six months to Texas, but as
> > far as I
> > know this is not an "order," in the military sense. I've also
> > attached
> > (if you didn't receive it) my last point paper to the SG on
> the
> > subject.
> >
> > V/R Greg
> >
> > > -----Original Message-----
> > > From: (b)(6) < (b)(6)
> > > <mailto: (b)(6) >
> > > Sent: Friday, November 07, 1997 10:38 PM
> > > To: Gorsuch, Gregory M. CDR BUMED
> > > Subject: Re: UPDATED POINT PAPER RE LT JACK DALY
> > >
> > > thanks for the update, greg. will use this as background to
> > brief the
> > > new dni, radm jacoby. would appreciate anything else you
> might
> > have
> > > on the subject. as i control his travel, dont recall any
> > subsequent
> > > (post bremerton) travel to brooks, but maybe my deputy
> signed
> > it out.
> > > did they in fact order him to return?
> > >
> > > v/r, (b)(6)
> > > -----Original Message-----
> > > From: Gorsuch, Gregory M. CDR BUMED <

> > (b)(6)

> > > Date: Friday, November 07, 1997 7:23 AM
> > > Subject: RE: UPDATED POINT PAPER RE LT JACK DALY

> > > (b)(6)

> > > He has been seen by multiple civilian ophthalmologists (most
> > > recently he
> > > notes two in specialists in Alberta, for instance) in
> addition
> > > to some
> > > of the world's leading specialists in laser injuries. Their
> > > conclusions
> > > are that his symptoms are unrelated to any possible "laser
> > > event." This
> > > is what CDR Holsten also noted. Our recommendation to go to
> > NMC
> > > San
> > > Diego to be evaluated by the Navy's leading retinal
> specialist
> > > has also
> > > been rebuked by him. LT Daly will not be convinced that he
> is
> > > not
> > > suffering from trauma related to the Kapitan Man
> incident--he
> > > has
> > > dismissed every evaluation by civilian and military
> physicians
> > > alike,
> > > and continues to pander his suffering to the press.
> > >
> > > Our hopes in getting him into NH Bremerton was to move away
> > from
> > > the
> > > notion that his problems were somehow special, unique or
> > related
> > > to this
> > > incident or his eyes. I had hoped that Bremerton would have
> > > referred
> > > him to a Pain Clinic or neurologist (or psychiatrist), but
> > > evidently he
> > > "primed the pump" by convincing the physicians that he was a
> > > "special
> > > case" of unusual importance and that really the only ones

> that
 > > > could
 > > > detect his problems was Brooks AFB, he further told them he
 > > had
 > > > been
 > > > "ordered" to return to Brooks AFB for further evaluation and
 > > > treatment.
 > > > I had really hoped that by having him seen locally we could
 > > > concentrate
 > > > on his symptoms as opposed to the supposed reason for his
 > > > symptoms--taken in that fashion he just becomes another
 > Sailor
 > > > with
 > > > headaches (and by the way, better than average visual acuity
 > > in
 > > > both
 > > > eyes).
 > > >
 > > > Rather than letting LT Daly continue to manipulate this
 > > > situation, by
 > > > forcing Navy Medicine into defending it's conclusions that
 > his
 > > > symptoms
 > > > are of unknown etiology and seemingly unamenable to
 > treatment,
 > > I
 > > > would
 > > > let this die quietly by simply explaining to him that he has
 > > > been
 > > > evaluated by over 10 ophthalmologists (including some of the
 > > > world's
 > > > experts on laser injuries), several neurologists and
 > multiple
 > > > general
 > > > physicians and that we cannot determine the reason for his
 > > > problems.
 > > > Further, I'd tell him that if his symptoms are interfering
 > > with
 > > > his
 > > > duties then we'd be happy to refer him for a fitness for
 > duty
 > > > evaluation.
 > > >
 > > > I'll be TAD to San Diego starting tomorrow, and will be back
 > > the
 > > > 14th of
 > > > Nov. I've spoken to CDR Holsten about this and to the
 > > > specialists at
 > > > Brooks AFB they both feel that further evaluation of his
 > eyes
 > > > will yield
 > > > no further information--and LT Daly is well aware of this.
 > If
 > > > however,
 > > > it is felt that it is prudent to seek further civilian
 > > > evaluation, I'll
 > > > call CDR Holsten and (b)(6) and see whom they might
 > > > recommend.
 > > >

> > > V/R Greg
> > > -----Original Message-----
> > > From: (b)(6) A. LCDR BUMED
> > > Sent: Thursday, November 06, 1997 6:41 PM
> > > To: Gorsuch, Gregory M. CDR BUMED
> > > Cc: Breeden, Gary C. CAPT BUMED; (b)(6)
> > > Subject: UPDATED POINT PAPER RE LT JACK DALY
> > > Importance: High
> > >
> > > CDR -
> > >
> > > Thanks for the update.
> > >
> > > Attached is returned for further staffing. Given that LT
> > Daly
> > is
> > > still experiencing symptoms and we have been unable to
> > identify why he
> > > is having lingering vision problems and other concerns, it
> > is
> > > prudent
> > > to explore obtaining a civilian ophthalmologist to examine
> > him. Pls
> > > do so and revise attached point paper accordingly. Pls
> > return
> > > NLT 13
> > > Nov 97.
> > >
> > > << File: DALY2r.doc >>
> > >
> > > VR/
> > > (b)(6)
> > >
> > > (b)(6)
> > > LCDR MSC USN
> > > Administrative Officer to the Surgeon General of the Navy
> > >
> >

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Monday, January 12, 1998 4:19 PM
To: 'Chambers'
Cc: (b)(6)
Subject: DECEMBER VISIT TO NMC SAN DIEGO

Importance: High

Sir,

Briefly spoke with CDR Custis (the Navy's retinal expert) at NMC San Diego, who along with a neuro-ophthalmologist and a corneal specialist examined LT Daly just before Christmas.

LT Daly has persistent (although not seriously debilitating) symptoms. CDR Custis notes that LT Daly is suffering from:

- 1) "Optic Nerve Drusen" a congenital disorder of calcium deposits in the optic nerve that may result in a number of different visual field abnormalities. This is a pre-existing problem not previously found on examination.
- 2) Tear film abnormality, leading to areas of dryness on the eye and discomfort. The physicians have prescribed an antibiotic regime that may help resolve this.
- 3) Periorbital pain syndrome, leading to the headaches, sensations of pressure and discomfort around the eye. The physicians have prescribed some different pain medications that are hoped to resolve this pain.

LT Daly is to check in with San Diego in a few weeks for follow-up. CDR Custis assured LT Daly that his examinations were not meant to refute or deny any previous findings of retinal abnormalities. He feels that although LT Daly has persistent symptoms that these do not seem to prevent him from performing his duties. He agrees with Brooks AFB that LT Daly's symptoms are not consistent with a possible laser injury. He has reviewed the original films and reports from Brooks AFB and without creating further controversy he was "unimpressed" with the evidence. He does believe that LT Daly's symptoms are real (from whatever origin) and he is not exaggerating his problems.

I've CC: CDR Custis above if you'd like to e-mail him directly. I also have his phone number if you'd rather speak to him. Thank you.

V/R Greg (CDR Gorsuch)

Gorsuch, Gregory M. CDR BUMED

From: (b)(6)
Sent: Wednesday, March 11, 1998 8:40 PM
To: 'CDR Gorsuch'; (b)(6)

Subject: NEW EMAIL ADDRESS IN SAN DIEGO

HERE IN SUNNY SAN DIEGO. TO CONTACT ME HERE ARE THE WAYS:

TELEPHONE - (b)(6)

(Home) (b)(6)

ADDRESS: (b)(6)

COMMAND: Commander, Amphibious Group Three
Email - (b)(6)

**FILE
COPY**

AUTOMATED NAVY ROUTE SLIP
OPNAV 5216/175 (3-81) SN0107-LF-052-2476
FORMERLY NAVSO 5118/16

PRIMARY CONTROLLING OFFICE

SN_ADMIN

CLASSIFICATION OF ATTACHED MATERIAL

UNCLASSIFIED

FROM HR CUNNINGHAM		DATE 22SEP1998	DATE RECEIVED 30SEP1998	DCN 1998U128008226
TO SD		SERIAL	FILE NUMBER (SSIC)	NR. OF COPIES RECEIVED
				REG. NR.

SUBJECT/ABSTRACT

LT JACK DALY REQUESTS ASSISTANCE REGARDING THE "LASER INCIDENT" OF APRIL 4, 1997

RECEIVED
9/1/98

CR1 DALY					CR2 INCIDENT					CR3 LASER					CR4 OSD/16099				
CR5 RUSSIAN					CR6 WOUNDED					REMARKS/DISTRIBUTION 98U122002860									
TC	TYPE	CAT	DG/R	YR	RETN	ANALYST/ROUTER													
H	C	G				MLS													
DOC. DUE TO RECIPIENT					DATE					DUE TO CONOFF SN_ADMIN					DATE				

CONTROL CENTER PRIMARY ROUTING

SECONDARY ROUTING

TO	PC*	NR. COPIES		SIGNATURE	DATE	TO	PC*	NR. COPIES		SIGNATURE	DATE
		LTR	ENCL					LTR	ENCL		
SECNAV	E					MEDDZ	E				
USN	E										
OLA	E										
MRA	E										
FM	E										
GC	E										
CHINFO	E										
N00S	E										
NCIS	E										
N093	E										

fyi
Let Loele
10/8/98
(Med 2610)

COMMENTS

* PURPOSE CODES

- A - Prepare reply for signature.
- B - Necessary action.
- C - Reply direct.
- D - Furnish data on which to base a reply.
- E - Information and retention.
- F - Lead office for coordination, rewrites.
- G - In for signature.
- H - Information and return.
- I - Comment and recommendation.
- J - Coordinate with action office.
- K - Coordinate with lead office.
- L - Reply to be cleared by the office.
- S - Reply to be signed by this office

INSTRUCTIONS:

CONFIDENTIAL

MICRO FILE NO

DCN

1998U128008226

CLASSIFICATION OF ATTACHED MATERIAL

WARNING: DO NOT ENTER CLASSIFIED SUBJECT OR TITLE ON THIS FORM.

RANDY "DUKE" CUNNINGHAM
51ST DISTRICT, CALIFORNIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
NATIONAL SECURITY
LEGISLATIVE
DISTRICT OF COLUMBIA



OFFICE OF THE
SECRETARY OF DEFENSE

1998 SEP 30 AM 11:10

PLEASE RESPOND TO:
☐ 2238 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0551
(202) 225-5452
(202) 225-2558 FAX
☐ 613 WEST VALLEY PARKWAY
SUITE 320
ESCONDIDO, CA 92025
(619) 737-8438
(619) 737-9132 FAX

WORLD WIDE WEB:
<http://www.house.gov/cunningham/>

Congress of the United States

House of Representatives

Washington, DC 20515-0551

September 22, 1998

The Honorable William Cohen
SECRETARY OF DEFENSE

(b)(6) The Pentagon
Washington, DC 20301

Dear Mr. Secretary:

This unclassified letter is written on behalf of my constituent, LT Jack Daly, USN, requesting assistance regarding the "Laser Incident" on April 4, 1997. It has come to my attention that LT Daly was an Intelligence Officer assigned as a Liaison Officer to the Canadian Forces Base, Esquimalt in British Columbia. He claims that he was wounded along with a Canadian Air Force Officer aboard a Canadian helicopter on April 4, 1997. He asserted that while on a surveillance mission over the Russian merchant ship "Kapitan Man," they were shot with a laser by the "El Kapitan." LT Daly claims that both the Canadian Officer and he sustained serious injuries which impaired their eye sight.

LT Daly is not only concerned about his permanent injury but he is concerned about our national security being at risk. He feels that this incident is "the end of his Naval career." LT Daly believes that there was a cover-up on the investigation on the "Laser Incident." LT Daly submitted to my District Office pertinent information which he classified "Personal and Confidential." However, I am forwarding unclassified correspondence for your review. Please contact my staff member, (b)(6) at (b)(6) if you need further information.

Inasmuch as LT Daly has asked assistance, I would greatly appreciate your looking into this matter to determine the appropriate response for LT Daly. I have an interest in this case. Please correspond with my Escondido District Office as to your findings.

Thank you for your help.

Sincerely,

(b)(6)

Randy "Duke" Cunningham
Member of Congress

RDC/ma
Enclosures

U16099 / 98

16 September 1998

12801 Oakfield Way
Poway, CA 92064-1520

(b)(6)

The Honorable Randy Cunningham
United States House of Representatives
613 West Valley Parkway, Suite 320
Escondido, CA 92025

Dear Congressman Cunningham,

I am writing regarding my first letter to you dated, 23 August '98 which I delivered in person to your Escondido Office. The gist of this letter explained in detail the "Laser Incident" I was involved in on 4 April '97 and the subsequent cover-up by the State Department, Department of Defense and Office of Naval Intelligence.

In that letter and in the meeting I had with (b)(6) I believe I failed to clearly state what it was I was requesting. I hope this will serve to clarify exactly what I hope to accomplish with your assistance.

My goal is to have the appropriate House or Senate Committee conduct formal, open-door hearings and an investigation into the handling of this incident. This incident amounted to what could legally be argued was an Act of War, that left a U.S. Navy and Canadian Air Force Officer permanently injured.

Just two weeks ago Scott Ritter relayed a comment he heard concerning Madeline Albright "having blocked more inspections in Iraq than Saddam Hussein." What he didn't know is that she was also involved in blocking the search of the "Kapitan Man," the Russian merchant vessel we were over-flying when this incident occurred. Not only did she hamper the search, she ensured that the Russian Embassy and, as a result, the crew of the vessel, got ample warning almost 24 hours in advance of the impending boarding and search. I believe that there is a crime somewhere in that process.

All I am asking for is justice, I believe I have that right as an American citizen let alone as an Officer of the U.S. Government, or so it says in our laws. Can you please conduct a full inquiry of the events I have written about in my first letter, and demand these hearings and investigation? Our National Security is at risk. Thank you for your consideration.

Very respectfully,

(b)(6)

(b)(6)

LT Jack Daly, USN

(b)(6)

COPY

Office of Congressman Randy "Duke" Cunningham
Help When You Need It

If you are a resident of the 51st Congressional District and are experiencing a problem with the federal government, i.e. Medicare, Social Security, VA, IRS, etc., Duke Cunningham would like to help. Please complete and return this authorization form to:

The Honorable Randy "Duke" Cunningham
613 West Valley Parkway, (b)(6)
Escondido, California 92025

Telephone: (b)(6) Facsimile: (b)(6)

NAME: DALY, JOHN (JACK) R, LT/USN SSN: (b)(6)

ADDRESS: 12801 OAKFIELD WAY I.D./CLAIM #
POWAY, CA 92064

TELEPHONE: HOME (b)(6) WORK (b)(6)

FEDERAL AGENCY (If military matter, specify branch of service) USN

NATURE OF COMPLAINT/COMMENTS: I REQUEST CONGRESSMAN
CUNNINGHAM'S SUPPORT PUBLICLY AND THROUGH
THE MEDIA, TO FORCE A FULL ACCOUNTING
AND DISCLOSURE OF THE COVER-UP SURROUNDING
THE RUSSIAN LASER INCIDENT IN WHICH I
WAS WOUNDED ON 4 APRIL 1997. SEE DOCUMENTATION
PROVIDED. THANK YOU IN ADVANCE.

Attach additional pages if necessary. Include photocopies (no originals, please) of all relevant documents.

I authorize Congressman Cunningham and his staff to make official inquiries with federal agencies on my behalf. (In accordance with the Federal Privacy Act - 5 USC, Sec. 552 - we need written permission and signature of the person whose case is in question to initiate an inquiry.)

(b)(6)

27 AUG 98

DATE

STATEMENT OF FACTS

The following facts are themselves indicative of a desire to minimize the issue:

- Ambassador James Collins, on direction from Madeline Albright, notified the Russian Embassy in Washington, DC of the impending search of the Kapitan Man almost 24 hours ahead of time.
- The crew of the Kapitan Man was informed of the impending search and were waiting, some having departed the ship immediately prior to the boarding, others roaming freely about the ship. Some even confronted the boarding party in a hostile manner as it tried to enter the "crew's library."
- The State Department limited and restricted the search of the ship to just two hours and to common spaces only. Those confronted by the crew in front of the library backed down immediately as a result of the restrictions and never did gain entry.
- A subsequent search of the ship months later by the same Coast Guard command once again failed to search the "crew's library."
- Of the two law enforcement (FBI, NCIS) personnel involved, neither actually participated in the physical search of the ship and only one FBI agent went aboard as an interpreter. The other members of the boarding party were Navy and Coast Guard personnel. Navy and Coast Guard do not have appropriate jurisdiction to perform this type of search.
- The FBI informed us that the case was "open and shut since no device was found."
- Although ONI was informed of his existence, an intelligence officer intimately familiar with the vessel was not included as a member of the boarding party.
- U.S. Customs and INS, who do have appropriate jurisdiction and had boarded Kapitan Man numerous times, were not informed of this boarding.
- Key events and findings of the search were omitted from the "official boarding report."
- No mention was made of a previously discovered (by U.S. Customs agents) photo lab or hospital ward aboard the ship, nor were they searched.
- The ship was known to have carried Expendable Bathythermoographs (XBT's) for measuring water temperatures below the surface, and computers to process the data.

DOD's and ONI's efforts since April 4th have been to disprove rather than prove that this incident did indeed happen;

- My immediate superior's (CAPT Eric Meyers, USN) initial response was that I was under orders not to conduct such a mission, no such order was ever issued.
- ONI's top imagery analysts were forbidden to view the photos I took of the Kapitan Man on April 4th, despite my personal request to CAPT Meyers.
- ONI's only laser expert was told to not get involved in the investigation, he attempted to persuade the U.S. Air Force not to publish any report on the incident
- The Pentagon chose a Navy Oceanographer, vice an Intelligence Officer, as its investigator. This Oceanographer:
 - admitted he was going to rely on ONI's report.
 - admitted absolute surprise and ignorance of the history of prior Russian lasing incidents.
 - asked me maybe two questions at the most for any of his information.

COPY

STATEMENT OF FACTS (cont'd)

The physical evidence of an injury speaks for itself;

- DOD's laser bio-effects experts (USARMD, Brooks AFB) found evidence of laser damage to my eye(s), and concluded the lesions were most likely caused by a hand held Laser Range Finder.
- The pattern of the lesions on my right retina were consistent with having been "painted" or specifically targeted, vice having flown through the a widely diverged beam
- The Cold War tactic the Russians developed and have used against US military personnel in previous incidents was to aim a laser at the pilot and anyone using a camera or binoculars. I was using a digital camera. This tactic serves as a deterrent to prevent further surveillance of their ships, and has worked in this case.
- The USARMD physicist has determined that the camera actually reduced the amount of energy (radiation) transmitted to my eye to approximately 17%.
- The Russians have produced a device of the kind determined by Brooks that will cause eye damage but may not leave a visible lesion in all cases (>10% of those exposed) possibly explaining why no lesions were found on the Canadian pilot's eye.
- I have been ordered by ONI to see Navy doctors in San Diego for my eye treatment and not the experts from Brooks.
 - One doctor, a retinal specialist but not a laser specialist, offered an opinion opposing the results of Brooks' examinations without examining me or even reading all of Brooks' test results.
 - I asked this doctor why he had done this and he told me that, based on the scanty information he had received from ONI, he was unable to concur with Brooks' results. He seemed surprised that ONI took that to mean he opposed Brooks' opinion.
 - I was guaranteed by ONI that Brooks' medical evidence would not be questioned, however;
 - ONI's dissenting opinion was purposely leaked and appeared in the headlines in the press.
- My eyes and the Canadian pilot's eyes are getting worse, not better. Our eyesight has deteriorated and no treatment has been found to relieve the constant pain we both suffer. The pilot has been grounded since June and he lost his flight qualifications as a result. He is unable now even to retire from the Canadian Air Force and his plans for a civilian flying career are now hopeless unless proper treatment can be found.

(b)(6)

23 August 1998

Congressional

52

SECRETARY OF DEFENSE ROUTING SLIP		ACT COPY	INFO COPY			ACT COPY	INFO COPY
	SECRETARY OF DEFENSE				SECRETARY OF THE ARMY		
	DEPUTY SECRETARY OF DEFENSE				SECRETARY OF THE NAVY		X
	THE SPECIAL ASSISTANT				SECRETARY OF THE AIR FORCE		
	EXECUTIVE SECRETARY						
	UNDER SEC FOR ACQUISITION & TECHNOLOGY				CHAIRMAN, JOINT CHIEFS OF STAFF		
	Director, Defense Research & Engineering				Director, Joint Staff		
	ATSD (NCB Defense Programs)						
1	UNDER SECRETARY FOR POLICY	X			BALLISTIC MISSILE DEFENSE ORGANIZATION		
	ASD (International Security Affairs)		X		DEFENSE ADVANCED RESEARCH PROJECTS AGENCY		
	ASD (Special Operations/LIC)				DEFENSE COMMISSARY AGENCY		
	ASD (Strategy & Threat Reduction)				DEFENSE CONTRACT AUDIT AGENCY		
	UNDER SECRETARY (COMPTROLLER)				DEFENSE FINANCE & ACCOUNTING SERVICE		
	Director, Program Analysis and Evaluation				DEFENSE INFORMATION SYSTEMS AGENCY		
	UNDER SEC FOR PERSONNEL & READINESS				DEFENSE INTELLIGENCE AGENCY		
	ASD (Force Management Policy)				DEFENSE LEGAL SERVICES AGENCY		
	ASD (Health Affairs)				DEFENSE LOGISTICS AGENCY		
	ASD (Reserve Affairs)				DEFENSE SECURITY ASSISTANCE AGENCY		
	ASD (C3I)				DEFENSE SECURITY SERVICE		
	ASD (LEGISLATIVE AFFAIRS)		X		DEFENSE SPECIAL WEAPONS AGENCY		
	ASD (PUBLIC AFFAIRS)				NATIONAL IMAGERY AND MAPPING AGENCY		
	GENERAL COUNSEL				NSA/CENTRAL SECURITY SERVICE		
	INSPECTOR GENERAL				ON-SITE INSPECTION AGENCY		
	DIR, OPERATIONAL TEST & EVALUATION						
	DIR, ADMINISTRATION & MANAGEMENT						
TYPE OF ACTION REQUIRED							
	PREPARE REPLY FOR SEC OF DEF SIGNATURE				COMMENTS AND/OR RECOMMENDATIONS		
	PREPARE REPLY FOR DEP SEC OF DEF SIGNATURE				INFORMATION AND RETENTION		
1	REPLY DIRECT (Forward copy of reply to CCD, Room 3A948)			X	COORDINATE REPLY WITH LA		
	APPROPRIATE ACTION						
Remarks:							
ACTION DUE DATE (YYMMDD) 981022		ROUTING DATE (YYMMDD) 980930		OSD CONTROL NUMBER U16099-98			

> > Reply To: (b)(6)
> > Sent: Sunday, September 21, 1997 8:44PM
> > To: (b)(6)
> > Cc: "CDR Gorsuch"; Smith, Brian
> > Subject: EYE EXAM
> > Importance: High
> >
> > CAPT,
> >
> > ON THURSDAY, 18 SEP, I WAS SEEN BY AN OPHTHALMOLOGIST, DR (CDR)
> > HOLSTEN, AT THE EYE CLINIC AT NAVHOSP BREMERTON. THE FOLLOWING IS A
> > SUMMARY OF SAID EXAM. HE WAS FAMILIAR WITH THE CASE AND HAD READ THE
> > MOST RECENT REPORT (201100Z AUG 97) FROM MY SECOND FOLLOW-UP AT BROOKS
> > IN AUGUST.
> >
> > BASED ON THE EXAM CONDUCTED BY DR. HOLSTEN, I WAS GIVEN A PRESCRIPTION
> > FOR GLASSES IN AN EFFORT TO REDUCE THE STRAIN ON THE RIGHT EYE WHILE
> > READING. THE CORRECTION IS MINIMAL AND WILL HOPEFULLY CUT DOWN ON THE
> > FATIGUE AND HEADACHES. ALSO A PRESCRIPTION WAS PROVIDED FOR "HYPO
> > TEARS" TO AID IN MAINTAINING THE MOISTURE CONTENT IN THE RIGHT EYE.
> > DR.
> > HOLSTEN DID NOT FEEL THAT HE HAD THE QUALIFICATIONS OR EXPERIENCE TO
> > ADDRESS THE PAIN SYMPTOMS, WHICH HAVE RESULTED FROM THE LASER
> > EXPOSURES
> > AND RECOMMENDED FOLLOW-UP BY THE TRI-SERVICE GROUP AT BROOKS.
> >
> > NOR DID HE FEEL THAT IT WAS NECESSARY TO REFER ME TO NAVHOSP BALBOA IN
> > SAN DIEGO, SINCE BROOKS WAS WAS PROBABLY BETTER EQUIPPED AND WERE THE
> > EXPERTS WITHIN THE DOD FOR LASER BIO-EFFECTS. HE WAS AWARE OF THE
> > CONCERN TO GET ME INTO THE NAVY HEALTH CARE SYSTEM, AND FELT THAT
> > SINCE
> > THE NAVY WAS PART OF THE BROOKS GROUP, THAT HAD BEEN ACCOMPLISHED.
> >
> >
> > V/R,
> > Jack
> >

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Monday, September 29, 1997 8:21 AM
To: 'Chambers'
Subject: FW: FW: EYE EXAM

Sir,

I talked to CAPT Bothwell late last week (CDR Holsten was on leave). She felt, when I read LT Daly's e-mail, that it didn't match with what CDR Holsten had told her. She had talked to CDR Holsten after the evaluation, at length, and she had been given the impression that he didn't really find anything of particular note--but that perhaps fluoroscene angiography might show something of interest. She said that she hadn't briefed or warned CDR Holsten, because she was interested in a purely objective, fresh off the street look at his eyes. I gather LT Daly provided CDR Holsten with background material. She gave me CDR Holsten's e-mail address, and recommended that I talk to him directly. This is the answer I got. Hopefully, I'll talk to him later today.

From: (b)(6)
Sent: Saturday, September 27, 1997 8:07AM
To: (b)(6)
Subject: Re: FW: EYE EXAM

Sir:

Sorry for the delay in getting back to you. I have been on leave all this week and have been in Yellowstone.

LT Daly's report, while not exactly on the mark, is not grossly inaccurate. Before I offer comments which you are now soliciting, I want to make certain about exactly what is being requested--i.e., who is to be "sanity" checking whom?

Also, I regret to say that I am not aware of what your position is within BUMED, and therefore what is the impact of privacy issues here.

Perhaps some of these issues could more readily be addressed by phone. Our phone system has been on the threshold of major changes and I am not certain if these have gone into effect during my leave. The old numbers for my clinic/office are:

Commercial (b)(6)
DSN (b)(6)

and the new numbers:

Commercial (b)(6)
DSN (b)(6)

Home phone: (b)(6)

If you would prefer that I call you instead, just e-mail your phone number and I will be happy to do it. Perhaps it would also be productive to chat with CAPT Chambers.

V/R CDR Holsten, MC (Ken)

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Monday, September 29, 1997 8:13 AM
To: (b)(6)
Cc: 'Chambers'
Subject: RE: FW: EYE EXAM

Sir,

Thanks for the quick response. I'm Greg Gorsuch BUMED 212, the SG's specialist on non-ionizing radiation bioeffects (I'm a physicist, not a physician). I've been acting as an "intermediary" in this case on behalf of the SG and CNO. The person who asked for a "sanity check," CAPT Chambers, is LT Daly's boss at the Office of Naval Intelligence. His request is to determine appropriate further care for LT Daly. The question is basically can LT Daly be evaluated for his periorbital pain and headaches and then treated and followed up at NH Bremerton or other Navy MTF's on the West Coast? LT Daly implies that you said his medical care could best be handled at Brooks AFB--it was felt (by the SG and NMRI Det) prior to sending him to Bremerton, that while the progression of his injury was of interest, that his primary complaints could best be treated more locally.

As you state, perhaps we can discuss this on the phone. I'll try to contact you later this afternoon.

V/R CDR Gorsuch (Greg)

From: (b)(6)
Sent: Saturday, September 27, 1997 6:07AM
To: (b)(6)
Subject: Re: FW: EYE EXAM

Sir:

Sorry for the delay in getting back to you. I have been on leave all this week and have been in Yellowstone.

LT Daly's report, while not exactly on the mark, is not grossly inaccurate. Before I offer comments which you are now soliciting, I want to make certain about exactly what is being requested--i.e., who is to be "sanity" checking whom?

Also, I regret to say that I am not aware of what your position is within BUMED, and therefore what is the impact of privacy issues here.

Perhaps some of these issues could more readily be addressed by phone. Our phone system has been on the threshold of major changes and I am not certain if these have gone into effect during my leave. The old numbers for my clinic/office are:

Commercial (b)(6)
DSN (b)(6)

and the new numbers:

Commercial (b)(6)
DSN (b)(6)

Home phone: (b)(6)

If you would prefer that I call you instead, just e-mail your phone number and I will be happy to do it. Perhaps it would also be productive to chat with CAPT Chambers.

V/R CDR Holsten, MC (Ken)

Gorsuch, Gregory M. CDR BUMED

From: Jack Daly (b)(6)
Sent: Tuesday, September 30, 1997 5:52 PM
To: Gorsuch, Gregory M. CDR BUMED
Cc: (b)(6)
Subject: Re: EYE EXAM

CDR,

Received your response. As far as my current condition, the only change is the cloud-like spot I see when I am reading seems to be getting larger. Other than that I still have the pain and discomfort I've experienced since 4 April.

Dr. Holsten did not mention referring me to anyone else unless I so desired, and the treatment was fine.. As far as being seen by a neurologist or other specialists, that was accomplished on my last trip to Brooks, their message, dtg 201100Z AUG 97 refers. I have also seen two specialists in Victoria.

If the experts (Brooks) in the field tell me there is no known treatment for my injury, and are not exactly sure why the Canadian Pilot (Capt. Pat Barnes) and I are experiencing the continued pain symptoms, what might I hope to accomplish by seeing others with less experience in the field. At no time have I felt that the group at Brooks was treating me like a lab-rat, however, I am aware that this is a new case for them and I have no problem submitting to their testing.

CAPT Chambers e-mailed me that you were going to check with Dr. Holsten on the results of the exam he conducted, was there anything I had left out from my report? He also stated that you would be checking to see "what the Surgeon General wants to do next." Do you have any further info in that regard?

V/R,
LT Daly

Gorsuch, Gregory M. CDR BUMED wrote:

> Jack,
>
> I got your voice mail and yes, I got your e-mail also. I'm glad you
> were able to get some local care, hopefully they will be more responsive
> to your needs. I'm also hopeful that Bremerton treats you more like a
> patient and less like a research subject. As you probably have
> gathered, the researchers and doctors down at Brooks, have been up the
> the "ivory tower" so long that they often lose sight (no pun intended)
> that some of their subjects are humans (most are rabbits and rhesus
> monkeys). One of the points of getting you to Bremerton was that
> problems that Brooks don't have specialist in (like nerve damage,
> headaches, etc), might be made available to you. I know that Brooks
> made a lot of effort to handle all your medical needs however, they
> really aren't prepared to do that.
>
> How are you feeling (physically)? Did Dr. Holsten feel that you should
> be seen by other physicians (neurologist, for instance)? We're you
> satisfied with the treatment you received?
>
> The Surgeon General (and CNO I understand) is anxious that you receive
> the very best medical care. I think everyone is satisfied that you've
> gotten a million dollar examination by Brooks, let's just hope that Navy
> medicine can provide you with the follow-up care and treatment you need.
>
> V/R CDR Gorsuch (Greg)
>
> > -----
> > From: Jack Daly (b)(6)

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Wednesday, October 01, 1997 9:30 AM
To: (b)(6)
Cc: 'Chambers'
Subject: RE: EYE EXAM

Jack,

Glad to hear that you're doing alright. The people at Brooks are probably right when they say there is no further treatment for the retinal injuries, what is done is done, however that is not to say that there might not be other treatment or care options available for your symptoms (i.e., periorbital pain and headaches).

Don't confuse expertise in laser retinal damage, with expertise in all aspects of medical care. Sometimes injuries lead to problems that are best resolved by other specialist--intractable pain of unknown etiology may be outside the area of expertise of Brooks or an ophthalmologist, but it isn't outside of realm of Navy medical care. I wouldn't discount Bremerton's ability to resolve your problems or to send you to appropriate specialist. They may not be as expert at detecting laser eye injury, but they may be able to treat your pain.

I haven't spoken to Holsten yet, however, I was hoping to find out whether he felt your vision and eye care could be handled by him at Bremerton.

As for the SG, he is responding to the CNO who asked that you be provided the best care. I believe that SG's recommendation to the CNO was that you should be seen by NH Bremerton and that they could/would refer you to appropriate specialists as needed. This is a logical approach--in that they could refer you to Navy people on West Coast and ultimately "pick up the tab" for your care. I haven't heard from the front office since you were seen at Bremerton.

Hope I've answered all your questions...I might have some of my own after I talk to Holsten.

Greg

From: Jack Daly (b)(6)
Reply To: (b)(6)
Sent: Tuesday, September 30, 1997 5:51PM
To: Gorsuch, Gregory M. CDR BUMED
Cc: Regan Chambers; Smith, Brian
Subject: Re: EYE EXAM

CDR,

Received your response. As far as my current condition, the only change is the cloud-like spot I see when I am reading seems to be getting larger. Other than that I still have the pain and discomfort I've experienced since 4 April.

Dr. Holsten did not mention referring me to anyone else unless I so desired, and the treatment was fine.. As far as being seen by a neurologist or other specialists, that was accomplished on my last trip to Brooks, their message, dtg 201100Z AUG 97 refers. I have also seen two specialists in Victoria.

If the experts (Brooks) in the field tell me there is no known treatment for my injury, and are not exactly sure why the Canadian Pilot (Capt. Pat Barnes) and I are experiencing the continued pain symptoms, what might I hope to accomplish by seeing others with less experience in the field. At no time have I felt that the group at Brooks was treating me like a lab-rat, however, I am aware that this is a new case for them and I have no problem submitting to their testing.

CAPT Chambers e-mailed me that you were going to check with Dr. Holsten on the results of the exam he conducted, was there anything I had left out from my report? He also stated that you would be checking to see "what the Surgeon General wants to do next." Do you have any further info in that regard?

V/R,
LT Daly

Gorsuch, Gregory M. CDR BUMED wrote:

> Jack,

>

> I got your voice mail and yes, I got your e-mail also. I'm glad you
> were able to get some local care, hopefully they will be more responsive
> to your needs. I'm also hopeful that Bremerton treats you more like a
> patient and less like a research subject. As you probably have
> gathered, the researchers and doctors down at Brooks, have been up the
> the "ivory tower" so long that they often lose sight (no pun intended)
> that some of their subjects are humans (most are rabbits and rhesus
> monkeys). One of the points of getting you to Bremerton was that
> problems that Brooks don't have specialist in (like nerve damage,
> headaches, etc), might be made available to you. I know that Brooks
> made a lot of effort to handle all your medical needs however, they
> really aren't prepared to do that.

>

> How are you feeling (physically)? Did Dr. Holsten feel that you should
> be seen by other physicians (neurologist, for instance)? We're you
> satisfied with the treatment you received?

>

> The Surgeon General (and CNO I understand) is anxious that you receive
> the very best medical care. I think everyone is satisfied that you've
> gotten a million dollar examination by Brooks, let's just hope that Navy
> medicine can provide you with the follow-up care and treatment you need.

>

> V/R CDR Gorsuch (Greg)

>

> > -----
> > From: Jack Daly[SMTP (b)(6)]
> > Reply To: (b)(6)
> > Sent: Sunday, September 21, 1997 8:44PM
> > To: Regan Chambers
> > Cc: 'CDR Gorsuch'; (b)(6)
> > Subject: EYE EXAM
> > Importance: High

>

> > CAPT,

>

> > ON THURSDAY, 18 SEP, I WAS SEEN BY AN OPHTHALMOLOGIST, DR (CDR)
> > HOLSTEN, AT THE EYE CLINIC AT NAVHOSP BREMERTON. THE FOLLOWING IS A
> > SUMMARY OF SAID EXAM. HE WAS FAMILIAR WITH THE CASE AND HAD READ THE
> > MOST RECENT REPORT (201100Z AUG 97) FROM MY SECOND FOLLOW-UP AT BROOKS
> > IN AUGUST.

>

> > BASED ON THE EXAM CONDUCTED BY DR. HOLSTEN, I WAS GIVEN A PRESCRIPTION
> > FOR GLASSES IN AN EFFORT TO REDUCE THE STRAIN ON THE RIGHT EYE WHILE
> > READING. THE CORRECTION IS MINIMAL AND WILL HOPEFULLY CUT DOWN ON THE
> > FATIGUE AND HEADACHES. ALSO A PRESCRIPTION WAS PROVIDED FOR "HYPO
> > TEARS" TO AID IN MAINTAINING THE MOISTURE CONTENT IN THE RIGHT EYE.

>

> > DR.
> > HOLSTEN DID NOT FEEL THAT HE HAD THE QUALIFICATIONS OR EXPERIENCE TO
> > ADDRESS THE PAIN SYMPTOMS, WHICH HAVE RESULTED FROM THE LASER
> > EXPOSURES
> > AND RECOMMENDED FOLLOW-UP BY THE TRI-SERVICE GROUP AT BROOKS.

>

> > NOR DID HE FEEL THAT IT WAS NECESSARY TO REFER ME TO NAVHOSP BALBOA IN
> > SAN DIEGO, SINCE BROOKS WAS WAS PROBABLY BETTER EQUIPPED AND WERE THE
> > EXPERTS WITHIN THE DOD FOR LASER BIO-EFFECTS. HE WAS AWARE OF THE
> > CONCERN TO GET ME INTO THE NAVY HEALTH CARE SYSTEM, AND FELT THAT
> > SINCE

>

> > THE NAVY WAS PART OF THE BROOKS GROUP, THAT HAD BEEN ACCOMPLISHED.

>

>

> > V/R,

>

> > Jack

>

Gorsuch, Gregory M. CDR BUMED

From: Jack Daly (b)(6)
Sent: Thursday, October 02, 1997 1:36 PM
To: Gorsuch, Gregory M. CDR BUMED
Cc: 'Chambers'
Subject: Re: EYE EXAM

Sir,

Just to clarify, that I am not "doing alright," I still experience a variety of pains symptoms that have not diminished but continue on a daily basis. No two days in-a-row are the same symptom wise; some days I wake up and feel like I've been hit in the right side of my face with a baseball bat, other days my eye just burns as though I had been in a swimming pool with too much chlorine, most of the time it feels like "brain-freeze" from eating too much ice cream too fast, then there are the sudden surges of pain that feel like I just got an elbow in the eye that come without warning at various times throughout the day/night. The spot that seems to be getting larger has been equated to one of the burns/lesions on the retina.

These symptoms have been mentioned exactly as above to all who have seen me. Sorry for any prior confusion.

V/R,
Jack

Gorsuch, Gregory M. CDR BUMED wrote:

> Jack,
>
> Glad to hear that you're doing alright. The people at Brooks are
> probably right when they say there is no further treatment for the
> retinal injuries, what is done is done, however that is not to say that
> there might not be other treatment or care options available for your
> symptoms (i.e., periorbital pain and headaches).
>
> Don't confuse expertise in laser retinal damage, with expertise in all
> aspects of medical care. Sometimes injuries lead to problems that are
> best resolved by other specialist--intractable pain of unknown etiology
> may be outside the area of expertise of Brooks or an ophthalmologist, but
> it isn't outside of realm of Navy medical care. I wouldn't discount
> Bremerton's ability to resolve your problems or to send you to
> appropriate specialist. They may not be as expert at detecting laser
> eye injury, but they may be able to treat your pain.
>
> I haven't spoken to Holsten yet, however, I was hoping to find out
> whether he felt your vision and eye care could be handled by him at
> Bremerton.
>
> As for the SG, he is responding to the CNO who asked that you be
> provided the best care. I believe that SG's recommendation to the CNO
> was that you should be seen by NH Bremerton and that they could/would
> refer you to appropriate specialists as needed. This is a logical
> approach--in that they could refer you to Navy people on West Coast and
> ultimately "pick up the tab" for your care. I haven't heard from the
> front office since you were seen at Bremerton.
>
> Hope I've answered all your questions...I might have some of my own
> after I talk to Holsten.

> Greg

> > -----
> > From: Jack Daly (b)(6)
> > Reply To: (b)(6)
> > Sent: Tuesday, September 30, 1997 5:51PM
> > To: Gorsuch, Gregory M. CDR BUMED

> > Cc: Regan Chambers; Smith, Brian
> > Subject: Re: EYE EXAM
> >
> > CDR,
> >
> > Received your response. As far as my current condition, the only
> > change is
> > the cloud-like spot I see when I am reading seems to be getting
> > larger.
> > Other than that I still have the pain and discomfort I've experienced
> > since
> > 4 April.
> >
> > Dr. Holsten did not mention referring me to anyone else unless I so
> > desired,
> > and the treatment was fine.. As far as being seen by a neurologist or
> > other
> > specialists, that was accomplished on my last trip to Brooks, their
> > message,
> > dtg 201100Z AUG 97 refers. I have also seen two specialists in
> > Victoria.
> >
> > If the experts (Brooks) in the field tell me there is no known
> > treatment for
> > my injury, and are not exactly sure why the Canadian Pilot (Capt. Pat
> > Barnes) and I are experiencing the continued pain symptoms, what might
> > I
> > hope to accomplish by seeing others with less experience in the field.
> > At
> > no time have I felt that the group at Brooks was treating me like a
> > lab-rat,
> > however, I am aware that this is a new case for them and I have no
> > problem
> > submitting to their testing.
> >
> > CAPT Chambers e-mailed me that you were going to check with Dr.
> > Holsten on
> > the results of the exam he conducted, was there anything I had left
> > out from
> > my report? He also stated that you would be checking to see "what the
> > Surgeon General wants to do next." Do you have any further info in
> > that
> > regard?
> >
> > V/R,
> > LT Daly
> >
> > Gorsuch, Gregory M. CDR BUMED wrote:
> >
> > > Jack,
> > >
> > > I got your voice mail and yes, I got your e-mail also. I'm glad you
> > > were able to get some local care, hopefully they will be more
> > > responsive
> > > to your needs. I'm also hopeful that Bremerton treats you more like
> > > a
> > > patient and less like a research subject. As you probably have
> > > gathered, the researchers and doctors down at Brooks, have been up
> > > the
> > > the "ivory tower" so long that they often lose sight (no pun
> > > intended)
> > > that some of their subjects are humans (most are rabbits and rhesus
> > > monkeys). One of the points of getting you to Bremerton was that
> > > problems that Brooks don't have specialist in (like nerve damage,
> > > headaches, etc), might be made available to you. I know that Brooks
> > > made a lot of effort to handle all your medical needs however, they
> > > really aren't prepared to do that.
> > >
> > > How are you feeling (physically)? Did Dr. Holsten feel that you
> > > should
> > > be seen by other physicians (neurologist, for instance)? We're you

>>> satisfied with the treatment you received?
>>>
>>> The Surgeon General (and CNO I understand) is anxious that you
>> receive
>>> the very best medical care. I think everyone is satisfied that
>> you've
>>> gotten a million dollar examination by Brooks, let's just hope that
>> Navy
>>> medicine can provide you with the follow-up care and treatment you
>> need.
>>>
>>> V/R CDR Gorsuch (Greg)
>>>
>>>> -----
>>>> From: Jack Daly[SMTP: (b)(6)]
>>>> Reply To: (b)(6)
>>>> Sent: Sunday, September 21, 1997 8:44PM
>>>> To: Regan Chambers
>>>> Cc: 'CDR Gorsuch'; (b)(6)
>>>> Subject: EYE EXAM
>>>> Importance: High
>>>>
>>>> CAPT,
>>>>
>>>> ON THURSDAY, 18 SEP, I WAS SEEN BY AN OPHTHALMOLOGIST, DR (CDR)
>>>> HOLSTEN, AT THE EYE CLINIC AT NAVHOSP BREMERTON. THE FOLLOWING
>>>> IS A
>>>> SUMMARY OF SAID EXAM. HE WAS FAMILIAR WITH THE CASE AND HAD READ
>>>> THE
>>>> MOST RECENT REPORT (201100Z AUG 97) FROM MY SECOND FOLLOW-UP AT
>>>> BROOKS
>>>> IN AUGUST.
>>>>
>>>> BASED ON THE EXAM CONDUCTED BY DR. HOLSTEN, I WAS GIVEN A
>>>> PRESCRIPTION
>>>> FOR GLASSES IN AN EFFORT TO REDUCE THE STRAIN ON THE RIGHT EYE
>>>> WHILE
>>>> READING. THE CORRECTION IS MINIMAL AND WILL HOPEFULLY CUT DOWN ON
>>>> THE
>>>> FATIGUE AND HEADACHES. ALSO A PRESCRIPTION WAS PROVIDED FOR "HYPO
>>>> TEARS" TO AID IN MAINTAINING THE MOISTURE CONTENT IN THE RIGHT
>>>> EYE.
>>>> DR.
>>>> HOLSTEN DID NOT FEEL THAT HE HAD THE QUALIFICATIONS OR EXPERIENCE
>>>> TO
>>>> ADDRESS THE PAIN SYMPTOMS, WHICH HAVE RESULTED FROM THE LASER
>>>> EXPOSURES
>>>> AND RECOMMENDED FOLLOW-UP BY THE TRI-SERVICE GROUP AT BROOKS.
>>>>
>>>> NOR DID HE FEEL THAT IT WAS NECESSARY TO REFER ME TO NAVHOSP
>>>> BALBOA IN
>>>> SAN DIEGO, SINCE BROOKS WAS WAS PROBABLY BETTER EQUIPPED AND WERE
>>>> THE
>>>> EXPERTS WITHIN THE DOD FOR LASER BIO-EFFECTS. HE WAS AWARE OF THE
>>>> CONCERN TO GET ME INTO THE NAVY HEALTH CARE SYSTEM, AND FELT THAT
>>>> SINCE
>>>> THE NAVY WAS PART OF THE BROOKS GROUP, THAT HAD BEEN ACCOMPLISHED.
>>>>
>>>>
>>>> V/R,
>>>> Jack
>>>>
>>
>>
>>

> > > > V/R,
> > > > Jack
> > > >
> >
> >
> >
> >

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Thursday, October 02, 1997 1:44 PM
To: (b)(6)
Subject: RE: EYE EXAM

Jack,

Explained in that way (certainly that wasn't in the "official" reports), didn't CDR Holsten feel it necessary to send you to a pain clinic or for any further testing?

S/F Greg

From: Jack Daly(SMTP (b)(6))
Reply To: (b)(6)
Sent: Thursday, October 02, 1997 1:35PM
To: Gorsuch, Gregory M. CDR BUMED
Cc: 'Chambers'
Subject: Re: EYE EXAM

Sir,

Just to clarify, that I am not "doing alright," I still experience a variety of pains symptoms that have not diminished but continue on a daily basis. No two days in-a-row are the same symptom wise; some days I wake up and feel like I've been hit in the right side of my face with a baseball bat, other days my eye just burns as though I had been in a swimming pool with too much chlorine, most of the time it feels like "brain-freeze" from eating too much ice cream too fast, then there are the sudden surges of pain that feel like I just got an elbow in the eye that come without warning at various times throughout the day/night. The spot that seems to be getting larger has been equated to one of the burns/lesions on the retina.

These symptoms have been mentioned exactly as above to all who have seen me. Sorry for any prior confusion.

V/R,
Jack

Gorsuch, Gregory M. CDR BUMED wrote:

- > Jack,
- >
- > Glad to hear that you're doing alright. The people at Brooks are
- > probably right when they say there is no further treatment for the
- > retinal injuries, what is done is done, however that is not to say that
- > there might not be other treatment or care options available for your
- > symptoms (i.e., periorbital pain and headaches).
- >
- > Don't confuse expertise in laser retinal damage, with expertise in all
- > aspects of medical care. Sometimes injuries lead to problems that are
- > best resolved by other specialist--intractable pain of unknown etiology
- > may be outside the area of expertise of Brooks or an ophthalmologist, but
- > it isn't outside of realm of Navy medical care. I wouldn't discount
- > Bremerton's ability to resolve your problems or to send you to
- > appropriate specialist. They may not be as expert at detecting laser
- > eye injury, but they may be able to treat your pain.
- >
- > I haven't spoken to Holsten yet, however, I was hoping to find out
- > whether he felt your vision and eye care could be handled by him at
- > Bremerton.
- >
- > As for the SG, he is responding to the CNO who asked that you be
- > provided the best care. I believe that SG's recommendation to the CNO
- > was that you should be seen by NH Bremerton and that they could/would
- > refer you to appropriate specialists as needed. This is a logical
- > approach--in that they could refer you to Navy people on West Coast and

> ultimately "pick up the tab" for your care. I haven't heard from the
> front office since you were seen at Bremerton.
>
> Hope I've answered all your questions...I might have some of my own
> after I talk to Holsten.
>
> Greg
> > -----
> > From: Jack Daly(SMTP (b)(6)
> > Reply To: (b)(6)
> > Sent: Tuesday, September 30, 1997 5:51PM
> > To: Gorsuch, Gregory M. CDR BUMED
> > Cc: (b)(6)
> > Subject: Re: EYE EXAM
> >
> > CDR,
> >
> > Received your response. As far as my current condition, the only
> > change is
> > the cloud-like spot I see when I am reading seems to be getting
> > larger.
> > Other than that I still have the pain and discomfort I've experienced
> > since
> > 4 April.
> >
> > Dr. Holsten did not mention referring me to anyone else unless I so
> > desired,
> > and the treatment was fine.. As far as being seen by a neurologist or
> > other
> > specialists, that was accomplished on my last trip to Brooks, their
> > message,
> > dtg 201100Z AUG 97 refers. I have also seen two specialists in
> > Victoria.
> >
> > If the experts (Brooks) in the field tell me there is no known
> > treatment for
> > my injury, and are not exactly sure why the Canadian Pilot (Capt. Pat
> > Barnes) and I are experiencing the continued pain symptoms, what might
> > I
> > hope to accomplish by seeing others with less experience in the field.
> > At
> > no time have I felt that the group at Brooks was treating me like a
> > lab-rat,
> > however, I am aware that this is a new case for them and I have no
> > problem
> > submitting to their testing.
> >
> > CAPT Chambers e-mailed me that you were going to check with Dr.
> > Holsten on
> > the results of the exam he conducted, was there anything I had left
> > out from
> > my report? He also stated that you would be checking to see "what the
> > Surgeon General wants to do next." Do you have any further info in
> > that
> > regard?
> >
> > V/R,
> > LT Daly
> >
> > Gorsuch, Gregory M. CDR BUMED wrote:
> >
> > > Jack,
> > >
> > > I got your voice mail and yes, I got your e-mail also. I'm glad you
> > > were able to get some local care, hopefully they will be more
> > > responsive
> > > to your needs. I'm also hopeful that Bremerton treats you more like
> > > a
> > > patient and less like a research subject. As you probably have
> > > gathered, the researchers and doctors down at Brooks, have been up
> > the

>>> the "ivory tower" so long that they often lose sight (no pun
>> intended)
>>> that some of their subjects are humans (most are rabbits and rhesus
>>> monkeys). One of the points of getting you to Bremerton was that
>>> problems that Brooks don't have specialist in (like nerve damage,
>>> headaches, etc), might be made available to you. I know that Brooks
>>> made a lot of effort to handle all your medical needs however, they
>>> really aren't prepared to do that.

>>>
>>> How are you feeling (physically)? Did Dr. Holsten feel that you
>> should
>>> be seen by other physicians (neurologist, for instance)? We're you
>>> satisfied with the treatment you received?

>>>
>>> The Surgeon General (and CNO I understand) is anxious that you
>> receive
>>> the very best medical care. I think everyone is satisfied that
>> you've
>>> gotten a million dollar examination by Brooks, let's just hope that
>> Navy
>>> medicine can provide you with the follow-up care and treatment you
>> need.

>>>
>>> V/R CDR Gorsuch (Greg)

>>>
>>>> -----
>>>> From: Jack Daly[SMT] (b)(6)
>>>> Reply To: (b)(6)
>>>> Sent: Sunday, September 21, 1997 8:44PM
>>>> To: Regan Chambers
>>>> Cc: 'CDR Gorsuch'; Smith, Brian
>>>> Subject: EYE EXAM
>>>> Importance: High

>>>>
>>>> CAPT,
>>>>
>>>> ON THURSDAY, 18 SEP, I WAS SEEN BY AN OPHTHALMOLOGIST, DR (CDR)
>>>> HOLSTEN, AT THE EYE CLINIC AT NAVHOSP BREMERTON. THE FOLLOWING
>>>> IS A
>>>> SUMMARY OF SAID EXAM. HE WAS FAMILIAR WITH THE CASE AND HAD READ
>>>> THE
>>>> MOST RECENT REPORT (201100Z AUG 97) FROM MY SECOND FOLLOW-UP AT
>>>> BROOKS
>>>> IN AUGUST.

>>>>
>>>> BASED ON THE EXAM CONDUCTED BY DR. HOLSTEN, I WAS GIVEN A
>>>> PRESCRIPTION
>>>> FOR GLASSES IN AN EFFORT TO REDUCE THE STRAIN ON THE RIGHT EYE
>>>> WHILE
>>>> READING. THE CORRECTION IS MINIMAL AND WILL HOPEFULLY CUT DOWN ON
>>>> THE
>>>> FATIGUE AND HEADACHES. ALSO A PRESCRIPTION WAS PROVIDED FOR "HYPO
>>>> TEARS" TO AID IN MAINTAINING THE MOISTURE CONTENT IN THE RIGHT
>>>> EYE.

>>>> DR.
>>>> HOLSTEN DID NOT FEEL THAT HE HAD THE QUALIFICATIONS OR EXPERIENCE
>>>> TO

>>>> ADDRESS THE PAIN SYMPTOMS, WHICH HAVE RESULTED FROM THE LASER
>>>> EXPOSURES
>>>> AND RECOMMENDED FOLLOW-UP BY THE TRI-SERVICE GROUP AT BROOKS.

>>>>
>>>> NOR DID HE FEEL THAT IT WAS NECESSARY TO REFER ME TO NAVHOSP
>>>> BALBOA IN
>>>> SAN DIEGO, SINCE BROOKS WAS WAS PROBABLY BETTER EQUIPPED AND WERE
>>>> THE
>>>> EXPERTS WITHIN THE DOD FOR LASER BIO-EFFECTS. HE WAS AWARE OF THE
>>>> CONCERN TO GET ME INTO THE NAVY HEALTH CARE SYSTEM, AND FELT THAT
>>>> SINCE
>>>> THE NAVY WAS PART OF THE BROOKS GROUP, THAT HAD BEEN ACCOMPLISHED.

>>>>
>>>>

Gorsuch, Gregory M. CDR BUMED

From: Jack Daly (b)(6)
Sent: Thursday, October 02, 1997 1:36 PM
To: Gorsuch, Gregory M. CDR BUMED
Cc: 'Chambers'
Subject: Re: EYE EXAM

Sir,

Just to clarify, that I am not "doing alright," I still experience a variety of pains symptoms that have not diminished but continue on a daily basis. No two days in-a-row are the same symptom wise; some days I wake up and feel like I've been hit in the right side of my face with a baseball bat, other days my eye just burns as though I had been in a swimming pool with too much chlorine, most of the time it feels like "brain-freeze" from eating too much ice cream too fast, then there are the sudden surges of pain that feel like I just got an elbow in the eye that come without warning at various times throughout the day/night. The spot that seems to be getting larger has been equated to one of the burns/lesions on the retina.

These symptoms have been mentioned exactly as above to all who have seen me. Sorry for any prior confusion.

V/R,
Jack

Gorsuch, Gregory M. CDR BUMED wrote:

> Jack,
>
> Glad to hear that you're doing alright. The people at Brooks are
> probably right when they say there is no further treatment for the
> retinal injuries, what is done is done, however that is not to say that
> there might not be other treatment or care options available for your
> symptoms (i.e., periorbital pain and headaches).
>
> Don't confuse expertise in laser retinal damage, with expertise in all
> aspects of medical care. Sometimes injuries lead to problems that are
> best resolved by other specialist--intractable pain of unknown etiology
> may be outside the area of expertise of Brooks or an ophthalmologist, but
> it isn't outside of realm of Navy medical care. I wouldn't discount
> Bremerton's ability to resolve your problems or to send you to
> appropriate specialist. They may not be as expert at detecting laser
> eye injury, but they may be able to treat your pain.
>
> I haven't spoken to Holsten yet, however, I was hoping to find out
> whether he felt your vision and eye care could be handled by him at
> Bremerton.
>
> As for the SG, he is responding to the CNO who asked that you be
> provided the best care. I believe that SG's recommendation to the CNO
> was that you should be seen by NH Bremerton and that they could/would
> refer you to appropriate specialists as needed. This is a logical
> approach--in that they could refer you to Navy people on West Coast and
> ultimately "pick up the tab" for your care. I haven't heard from the
> front office since you were seen at Bremerton.
>
> Hope I've answered all your questions...I might have some of my own
> after I talk to Holsten.
>
> Greg
> > -----
> > From: Jack Daly(SMTP: (b)(6)
> > Reply To: (b)(6)
> > Sent: Tuesday, September 30, 1997 5:51PM
> > To: Gorsuch, Gregory M. CDR BUMED

Gorsuch, Gregory M. CDR BUMED

From: Jack Daly (b)(6)
Sent: Thursday, October 02, 1997 4:49 PM
To: Gorsuch, Gregory M. CDR BUMED
Cc: Regan Chambers
Subject: Re: EYE EXAM

Sir,

These were in fact mentioned in the "official reports," DIRUSARMD BROOKS AFB 201100Z AUG 97, para 2-A refers; my description was not quoted word for word.

No, Dr. Holsten did not refer me to a pain clinic or suggest any further testing. As I mentioned in my original e-mail he felt all that could be done was being done by Brooks.

I do not feel that going through the same testing somewhere else a fourth time will reveal anything new.

V/R,
Jack

Gorsuch, Gregory M. CDR BUMED wrote:

> Jack,
>
> Explained in that way (certainly that wasn't in the "official" reports),
> didn't CDR Holsten feel it necessary to send you to a pain clinic or for
> any further testing?
>
> S/F Greg
>
> -----
>> From: Jack Daly[SMTP (b)(6)]
>> Reply To: (b)(6)
>> Sent: Thursday, October 02, 1997 1:35PM
>> To: Gorsuch, Gregory M. CDR BUMED
>> Cc: 'Chambers'
>> Subject: Re: EYE EXAM
>>
>> Sir,
>>
>> Just to clarify, that I am not "doing alright," I still experience a
>> variety
>> of pains symptoms that have not diminished but continue on a daily
>> basis.
>> No two days in-a-row are the same symptom wise; some days I wake up
>> and feel
>> like I've been hit in the right side of my face with a baseball bat,
>> other
>> days my eye just burns as though I had been in a swimming pool with to
>> much
>> chlorine, most of the time it feels like "brain-freeze" from eating
>> too much
>> ice cream too fast, then there are the sudden surges of pain that feel
>> like
>> I just got an elbow in the eye that come without warning at various
>> times
>> throughout the day/night. The spot that seems to be getting larger
>> has been
>> equated to one of the burns/lesions on the retina.
>>
>> These symptoms have been mentioned exactly as above to all who have
>> seen
>> me. Sorry for any prior confusion.
>>

>> V/R,
>> Jack
>>
>> Gorsuch, Gregory M. CDR BUMED wrote:
>>
>>> Jack,
>>>
>>> Glad to hear that you're doing alright. The people at Brooks are
>>> probably right when they say there is no further treatment for the
>>> retinal injuries, what is done is done, however that is not to say
>> that
>>> there might not be other treatment or care options available for
>> your
>>> symptoms (i.e., periorbital pain and headaches).
>>>
>>> Don't confuse expertise in laser retinal damage, with expertise in
>> all
>>> aspects of medical care. Sometimes injuries lead to problems that
>> are
>>> best resolved by other specialist--intractable pain of unknown
>> etiology
>>> may be outside the area of expertise of Brooks or an ophthalmologist,
>> but
>>> it isn't outside of realm of Navy medical care. I wouldn't discount
>>> Bremerton's ability to resolve your problems or to send you to
>>> appropriate specialist. They may not be as expert at detecting
>> laser
>>> eye injury, but they may be able to treat your pain.
>>>
>>> I haven't spoken to Holsten yet, however, I was hoping to find out
>>> whether he felt your vision and eye care could be handled by him at
>>> Bremerton.
>>>
>>> As for the SG, he is responding to the CNO who asked that you be
>>> provided the best care. I believe that SG's recommendation to the
>> CNO
>>> was that you should be seen by NH Bremerton and that they
>> could/would
>>> refer you to appropriate specialists as needed. This is a logical
>>> approach--in that they could refer you to Navy people on West Coast
>> and
>>> ultimately "pick up the tab" for your care. I haven't heard from
>> the
>>> front office since you were seen at Bremerton.
>>>
>>> Hope I've answered all your questions...I might have some of my own
>>> after I talk to Holsten.
>>>
>>> Greg
>>>> -----
>>>> From: Jack Daly(SMTP [REDACTED] (b)(6)
>>>> Reply To: [REDACTED] (b)(6)
>>>> Sent: Tuesday, September 30, 1997 5:51PM
>>>> To: Gorsuch, Gregory M. CDR BUMED
>>>> Cc: [REDACTED]
>>>> Subject: Re: EYE EXAM
>>>>
>>>> CDR,
>>>>
>>>> Received your response. As far as my current condition, the only
>>>> change is
>>>> the cloud-like spot I see when I am reading seems to be getting
>>>> larger.
>>>> Other than that I still have the pain and discomfort I've
>> experienced
>>>> since
>>>> 4 April.
>>>>
>>>> Dr. Holsten did not mention referring me to anyone else unless I
>> so
>>>> desired,

>>> and the treatment was fine.. As far as being seen by a
>> neurologist or
>>> other
>>> specialists, that was accomplished on my last trip to Brooks,
>> their
>>> message,
>>> dtg 201100Z AUG 97 refers. I have also seen two specialists in
>>> [REDACTED]
>>>
>>> If the experts (Brooks) in the field tell me there is no known
>>> treatment for
>>> my injury, and are not exactly sure why the Canadian Pilot (Capt.
>> Pat
>>> Barnes) and I are experiencing the continued pain symptoms, what
>> might
>>> I
>>> hope to accomplish by seeing others with less experience in the
>> field.
>>> At
>>> no time have I felt that the group at Brooks was treating me like
>> a
>>> lab-rat,
>>> however, I am aware that this is a new case for them and I have no
>>> problem
>>> submitting to their testing.
>>>
>>> CAPT Chambers e-mailed me that you were going to check with Dr.
>>> Holsten on
>>> the results of the exam he conducted, was there anything I had
>> left
>>> out from
>>> my report? He also stated that you would be checking to see "what
>> the
>>> Surgeon General wants to do next." Do you have any further info
>> in
>>> that
>>> regard?
>>>
>>> V/R,
>>> LT Daly
>>>
>>> Gorsuch, Gregory M. CDR BUMED wrote:
>>>
>>>> Jack,
>>>>
>>>> I got your voice mail and yes, I got your e-mail also. I'm glad
>> you
>>>> were able to get some local care, hopefully they will be more
>>>> responsive
>>>> to your needs. I'm also hopeful that Bremerton treats you more
>> like
>>>> a
>>>> patient and less like a research subject. As you probably have
>>>> gathered, the researchers and doctors down at Brooks, have been
>> up
>>>> the
>>>> the "ivory tower" so long that they often lose sight (no pun
>>>> intended)
>>>> that some of their subjects are humans (most are rabbits and
>> rhesus
>>>> monkeys). One of the points of getting you to Bremerton was
>> that
>>>> problems that Brooks don't have specialist in (like nerve
>> damage,
>>>> headaches, etc), might be made available to you. I know that
>> Brooks
>>>> made a lot of effort to handle all your medical needs however,
>> they
>>>> really aren't prepared to do that.
>>>>
>>>> How are you feeling (physically)? Did Dr. Holsten feel that you

>>>> should
>>>>> be seen by other physicians (neurologist, for instance)? We're
>> you
>>>>> satisfied with the treatment you received?
>>>>>
>>>>> The Surgeon General (and CNO I understand) is anxious that you
>>>> receive
>>>>> the very best medical care. I think everyone is satisfied that
>>>> you've
>>>>> gotten a million dollar examination by Brooks, let's just hope
>> that
>>>> Navy
>>>>> medicine can provide you with the follow-up care and treatment
>> you
>>>>> need.
>>>>>
>>>>> V/R CDR Gorsuch (Greg)
>>>>>
>>>>>> -----
>>>>>> From: Jack Daly[SMTP: (b)(6)]
>>>>>> Reply To: (b)(6)
>>>>>> Sent: Sunday, September 21, 1997 8:44PM
>>>>>> To: Regan Chambers
>>>>>> Cc: 'CDR Gorsuch'; Smith, Brian
>>>>>> Subject: EYE EXAM
>>>>>> Importance: High
>>>>>>
>>>>>> CAPT,
>>>>>>
>>>>>> ON THURSDAY, 18 SEP, I WAS SEEN BY AN OPHTHALMOLOGIST, DR.
>> (CDR)
>>>>>> HOLSTEN, AT THE EYE CLINIC AT NAVHOSP BREMERTON. THE
>> FOLLOWING
>>>>>> IS A
>>>>>> SUMMARY OF SAID EXAM. HE WAS FAMILIAR WITH THE CASE AND HAD
>> READ
>>>>>> THE
>>>>>> MOST RECENT REPORT (201100Z AUG 97) FROM MY SECOND FOLLOW-UP
>> AT
>>>>>> BROOKS
>>>>>> IN AUGUST.
>>>>>>
>>>>>> BASED ON THE EXAM CONDUCTED BY DR. HOLSTEN, I WAS GIVEN A
>>>>>> PRESCRIPTION
>>>>>> FOR GLASSES IN AN EFFORT TO REDUCE THE STRAIN ON THE RIGHT EYE
>>>>>> WHILE
>>>>>> READING. THE CORRECTION IS MINIMAL AND WILL HOPEFULLY CUT
>> DOWN ON
>>>>>> THE
>>>>>> FATIGUE AND HEADACHES. ALSO A PRESCRIPTION WAS PROVIDED FOR
>> "HYPO
>>>>>> TEARS" TO AID IN MAINTAINING THE MOISTURE CONTENT IN THE RIGHT
>>>>>> EYE.
>>>>>> DR.
>>>>>> HOLSTEN DID NOT FEEL THAT HE HAD THE QUALIFICATIONS OR
>> EXPERIENCE
>>>>>> TO
>>>>>> ADDRESS THE PAIN SYMPTOMS, WHICH HAVE RESULTED FROM THE LASER
>>>>>> EXPOSURES
>>>>>> AND RECOMMENDED FOLLOW-UP BY THE TRI-SERVICE GROUP AT BROOKS.
>>>>>>
>>>>>> NOR DID HE FEEL THAT IT WAS NECESSARY TO REFER ME TO NAVHOSP
>>>>>> BALBOA IN
>>>>>> SAN DIEGO, SINCE BROOKS WAS WAS PROBABLY BETTER EQUIPPED AND
>> WERE
>>>>>> THE
>>>>>> EXPERTS WITHIN THE DOD FOR LASER BIO-EFFECTS. HE WAS AWARE OF
>> THE
>>>>>> CONCERN TO GET ME INTO THE NAVY HEALTH CARE SYSTEM, AND FELT
>> THAT
>>>>>> SINCE

>>>>> THE NAVY WAS PART OF THE BROOKS GROUP, THAT HAD BEEN
>> ACCOMPLISHED.
>>>>>>
>>>>>>
>>>>>> V/R,
>>>>>> Jack
>>>>>>
>>>>
>>>>
>>>>
>>>>
>>
>>
>>
>>

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Friday, October 02, 1998 3:54 PM
To: [REDACTED] Public Affairs Specialist BUMED
Subject: FW: DECEMBER VISIT TO NMC SAN DIEGO

Importance: High

Ms. Rawlings,

This is the message I read from.

V/R Greg (CDR Gorsuch)

-----Original Message-----

From: Gorsuch, Gregory M. CDR BUMED
Sent: Monday, January 12, 1998 4:19 PM
To: [REDACTED]
Cc: [REDACTED] (b)(6)
Subject: DECEMBER VISIT TO NMC SAN DIEGO
Importance: High

Sir,

Briefly spoke with CDR Custis (the Navy's retinal expert) at NMC San Diego, who along with a neuro-ophthalmologist and a corneal specialist examined LT Daly just before Christmas.

LT Daly has persistent (although not seriously debilitating) symptoms. CDR Custis notes that LT Daly is suffering from:

- 1) "Optic Nerve Drusen" a congenital disorder of calcium deposits in the optic nerve that may result in a number of different visual field abnormalities. This is a pre-existing problem not previously found on examination.
- 2) Tear film abnormality, leading to areas of dryness on the eye and discomfort. The physicians have prescribed an antibiotic regime that may help resolve this.
- 3) Periorbital pain syndrome, leading to the headaches, sensations of pressure and discomfort around the eye. The physicians have prescribed some different pain medications that are hoped to resolve this pain.

LT Daly is to check in with San Diego in a few weeks for follow-up. CDR Custis assured LT Daly that his examinations were not meant to refute or deny any previous findings of retinal abnormalities. He feels that although LT Daly has persistent symptoms that these do not seem to prevent him from performing his duties. He agrees with Brooks AFB that LT Daly's symptoms are not consistent with a possible laser injury. He has reviewed the original films and reports from Brooks AFB and without creating further controversy he was "unimpressed" with the evidence. He does believe that LT Daly's symptoms are real (from whatever origin) and he is not exaggerating his problems.

I've CC: CDR Custis above if you'd like to e-mail him directly. I also have his phone number if you'd rather speak to him. Thank you.

V/R Greg (CDR Gorsuch)

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Friday, October 03, 1997 7:25 AM
To: (b)(6)
Subject: RE: EYE EXAM

Jack,

You're right, I don't think further evaluation of your eyes by general ophthalmologists is warranted. I was hoping that Bremerton could come to some judgement, either through referral or directly, as to how to handle your medical care--I wasn't looking for another evaluation of your eyes. That is, you've got problems (that you've described in your last two e-mails to me) that Navy medicine is obligated to treat to the best of its abilities--that is why I was a little upset to think that CDR Holsten "punted" in your case.

S/F Greg

From: Jack Daly(SMTP (b)(6))
Reply To: (b)(6)
Sent: Thursday, October 02, 1997 4:48PM
To: Gorsuch, Gregory M. CDR BUMED
Cc: Regan Chambers
Subject: Re: EYE EXAM

Sir,

These were in fact mentioned in the "official reports," DIRUSARMD BROOKS AFB 201100Z AUG 97, para 2-A refers; my description was not quoted word for word.

No, Dr. Holsten did not refer me to a pain clinic or suggest any further testing. As I mentioned in my original e-mail he felt all that could be done was being done by Brooks.

I do not feel that going through the same testing somewhere else a fourth time will reveal anything new.

V/R,
Jack

Gorsuch, Gregory M. CDR BUMED wrote:

> Jack,
>
> Explained in that way (certainly that wasn't in the "official" reports),
> didn't CDR Holsten feel it necessary to send you to a pain clinic or for
> any further testing?
>
> S/F Greg
>
> -----
> > From: Jack Daly(SMTP (b)(6))
> > Reply To: (b)(6)
> > Sent: Thursday, October 02, 1997 1:35PM
> > To: Gorsuch, Gregory M. CDR BUMED
> > Cc: 'Chambers'
> > Subject: Re: EYE EXAM
> >
> > Sir,
> >
> > Just to clarify, that I am not "doing alright," I still experience a
> > variety
> > of pains symptoms that have not diminished but continue on a daily
> > basis.
> > No two days in-a-row are the same symptom wise; some days I wake up
> > and feel
> > like I've been hit in the right side of my face with a baseball bat,
> > other
> > days my eye just burns as though I had been in a swimming pool with to

> > much
 > > chlorine, most of the time it feels like "brain-freeze" from eating
 > > too much
 > > ice cream too fast, then there are the sudden surges of pain that feel
 > > like
 > > I just got an elbow in the eye that come without warning at various
 > > times
 > > throughout the day/night. The spot that seems to be getting larger
 > > has been
 > > equated to one of the burns/lesions on the retina.
 > >
 > > These symptoms have been mentioned exactly as above to all who have
 > > seen
 > > me. Sorry for any prior confusion.
 > >
 > > V/R,
 > > Jack
 > >
 > > Gorsuch, Gregory M. CDR BUMED wrote:
 > >
 > > > Jack,
 > > >
 > > > Glad to hear that you're doing alright. The people at Brooks are
 > > > probably right when they say there is no further treatment for the
 > > > retinal injuries, what is done is done, however that is not to say
 > > > that
 > > > there might not be other treatment or care options available for
 > > > your
 > > > symptoms (i.e., periorbital pain and headaches).
 > > >
 > > > Don't confuse expertise in laser retinal damage, with expertise in
 > > > all
 > > > aspects of medical care. Sometimes injuries lead to problems that
 > > > are
 > > > best resolved by other specialist--intractable pain of unknown
 > > > etiology
 > > > may be outside the area of expertise of Brooks or an ophthalmologist,
 > > > but
 > > > it isn't outside of realm of Navy medical care. I wouldn't discount
 > > > Bremerton's ability to resolve your problems or to send you to
 > > > appropriate specialist. They may not be as expert at detecting
 > > > laser
 > > > eye injury, but they may be able to treat your pain.
 > > >
 > > > I haven't spoken to Holsten yet, however, I was hoping to find out
 > > > whether he felt your vision and eye care could be handled by him at
 > > > Bremerton.
 > > >
 > > > As for the SG, he is responding to the CNO who asked that you be
 > > > provided the best care. I believe that SG's recommendation to the
 > > > CNO
 > > > was that you should be seen by NH Bremerton and that they
 > > > could/would
 > > > refer you to appropriate specialists as needed. This is a logical
 > > > approach--in that they could refer you to Navy people on West Coast
 > > > and
 > > > ultimately "pick up the tab" for your care. I haven't heard from
 > > > the
 > > > front office since you were seen at Bremerton.
 > > >
 > > > Hope I've answered all your questions...I might have some of my own
 > > > after I talk to Holsten.
 > > >
 > > > Greg
 > > > -----
 > > > From: Jack Daly(SMTP (b)(6)
 > > > Reply To: (b)(6)
 > > > Sent: Tuesday, September 30, 1997 5:51PM
 > > > To: Gorsuch, Gregory M. CDR BUMED
 > > > Cc: Regan Chambers; Smith, Brian
 > > > Subject: Re: EYE EXAM

> > >
 > > > CDR,
 > > >
 > > > Received your response. As far as my current condition, the only
 > > > change is
 > > > the cloud-like spot I see when I am reading seems to be getting
 > > > larger.
 > > > Other than that I still have the pain and discomfort I've
 > > experienced
 > > > since
 > > > 4 April.
 > > >
 > > > Dr. Holsten did not mention referring me to anyone else unless I
 > > so
 > > > desired,
 > > > and the treatment was fine.. As far as being seen by a
 > > neurologist or
 > > > other
 > > > specialists, that was accomplished on my last trip to Brooks,
 > > their
 > > > message,
 > > > dtg 201100Z AUG 97 refers. I have also seen two specialists in
 > > > [REDACTED]
 > > >
 > > > If the experts (Brooks) in the field tell me there is no known
 > > > treatment for
 > > > my injury, and are not exactly sure why the Canadian Pilot (Capt.
 > > Pat
 > > > Barnes) and I are experiencing the continued pain symptoms, what
 > > might
 > > > I
 > > > hope to accomplish by seeing others with less experience in the
 > > field.
 > > > At
 > > > no time have I felt that the group at Brooks was treating me like
 > > a
 > > > lab-rat,
 > > > however, I am aware that this is a new case for them and I have no
 > > > problem
 > > > submitting to their testing.
 > > >
 > > > CAPT Chambers e-mailed me that you were going to check with Dr.
 > > > Holsten on
 > > > the results of the exam he conducted, was there anything I had
 > > left
 > > > out from
 > > > my report? He also stated that you would be checking to see "what
 > > the
 > > > Surgeon General wants to do next." Do you have any further info
 > > in
 > > > that
 > > > regard?
 > > >
 > > > V/R,
 > > > LT Daly
 > > >
 > > > Gorsuch, Gregory M. CDR BUMED wrote:
 > > >
 > > > > Jack,
 > > > >
 > > > > I got your voice mail and yes, I got your e-mail also. I'm glad
 > > > > you
 > > > > were able to get some local care, hopefully they will be more
 > > > > responsive
 > > > > to your needs. I'm also hopeful that Bremerton treats you more
 > > > > like
 > > > > a
 > > > > patient and less like a research subject. As you probably have
 > > > > gathered, the researchers and doctors down at Brooks, have been
 > > > > up
 > > > > the

>>>> the "ivory tower" so long that they often lose sight (no pun
>>>> intended)
>>>> that some of their subjects are humans (most are rabbits and
>> rhesus
>>>> monkeys). One of the points of getting you to Bremerton was
>> that
>>>> problems that Brooks don't have specialist in (like nerve
>> damage,
>>>> headaches, etc), might be made available to you. I know that
>> Brooks
>>>> made a lot of effort to handle all your medical needs however,
>> they
>>>> really aren't prepared to do that.
>>>>
>>>> How are you feeling (physically)? Did Dr. Holsten feel that you
>>>> should
>>>> be seen by other physicians (neurologist, for instance)? We're
>> you
>>>> satisfied with the treatment you received?
>>>>
>>>> The Surgeon General (and CNO I understand) is anxious that you
>>>> receive
>>>> the very best medical care. I think everyone is satisfied that
>>>> you've
>>>> gotten a million dollar examination by Brooks, let's just hope
>> that
>>>> Navy
>>>> medicine can provide you with the follow-up care and treatment
>> you
>>>> need.
>>>>
>>>> V/R CDR Gorsuch (Greg)
>>>>

>>>>> -----
>>>>> From: Jack Daly(SMTP [REDACTED] (b)(6)
>>>>> Reply To: [REDACTED] (b)(6)
>>>>> Sent: Sunday, September 21, 1997 8:44PM
>>>>> To: Regan Chambers
>>>>> Cc: 'CDR Gorsuch'; Smith, Brian
>>>>> Subject: EYE EXAM
>>>>> Importance: High

>>>>> CAPT,
>>>>>
>>>>> ON THURSDAY, 18 SEP, I WAS SEEN BY AN OPHTHALMOLOGIST, DR
>> (CDR)
>>>>> HOLSTEN, AT THE EYE CLINIC AT NAVHOSP BREMERTON. THE
>> FOLLOWING
>>>> IS A
>>>>> SUMMARY OF SAID EXAM. HE WAS FAMILIAR WITH THE CASE AND HAD
>> READ
>>>> THE
>>>>> MOST RECENT REPORT (201100Z AUG 97) FROM MY SECOND FOLLOW-UP
>> AT
>>>> BROOKS
>>>>> IN AUGUST.
>>>>>
>>>>> BASED ON THE EXAM CONDUCTED BY DR. HOLSTEN, I WAS GIVEN A
>>>> PRESCRIPTION
>>>>> FOR GLASSES IN AN EFFORT TO REDUCE THE STRAIN ON THE RIGHT EYE
>>>> WHILE
>>>>> READING. THE CORRECTION IS MINIMAL AND WILL HOPEFULLY CUT
>> DOWN ON
>>>> THE
>>>>> FATIGUE AND HEADACHES. ALSO A PRESCRIPTION WAS PROVIDED FOR
>> "HYPO
>>>>> TEARS" TO AID IN MAINTAINING THE MOISTURE CONTENT IN THE RIGHT
>>>> EYE.
>>>>> DR.
>>>>> HOLSTEN DID NOT FEEL THAT HE HAD THE QUALIFICATIONS OR
>> EXPERIENCE

>>>> TO
>>>>> ADDRESS THE PAIN SYMPTOMS, WHICH HAVE RESULTED FROM THE LASER
>>>>> EXPOSURES
>>>>> AND RECOMMENDED FOLLOW-UP BY THE TRI-SERVICE GROUP AT BROOKS.
>>>>>
>>>>> NOR DID HE FEEL THAT IT WAS NECESSARY TO REFER ME TO NAVHOSP
>>>> BALBOA IN
>>>>> SAN DIEGO, SINCE BROOKS WAS WAS PROBABLY BETTER EQUIPPED AND
>> WERE
>>>> THE
>>>>> EXPERTS WITHIN THE DOD FOR LASER BIO-EFFECTS. HE WAS AWARE OF
>> THE
>>>>> CONCERN TO GET ME INTO THE NAVY HEALTH CARE SYSTEM, AND FELT
>> THAT
>>>>> SINCE
>>>>> THE NAVY WAS PART OF THE BROOKS GROUP, THAT HAD BEEN
>> ACCOMPLISHED.
>>>>>
>>>>>
>>>>> V/R,
>>>>> Jack
>>>>>
>>>>
>>>>
>>>>
>>>>
>>
>>
>>

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Friday, October 03, 1997 8:03 AM
To: 'Chambers'
Subject: LT DALY UPDATE

Sir,

As you've seen from the last two e-mails cc: to you from LT Daly, his primary complaints amount to a debilitating, intractable pain of unknown origin.

Although Brooks and Navy (and evidently civilians) have attempted to attribute these symptoms to retinal findings in his eyes--they all have failed, hence "unknown origin." Headaches and phantom pains are beyond my area of expertise, but they have many causes--and, I think, as long as the doctors (and LT Daly) fixate on Brooks' reports, they won't be able to help him.

Something that I've only briefly mentioned to Jack, is that the logical progression of similar cases, is: fitness for duty examinations, a medical board, and usually (if there is little hope of the Navy solving the problem) a discharge from the Navy (with or without disability). Given the big work up done by Brooks, I'm not sure if a medical board would even need further evaluations, they would probably find him unfit for duty--the only question would be if he should be kept on active duty long enough to see if his symptoms resolved.

In a similar case of two soldiers who felt they had been over exposed to a Hawk missile radar system, (all investigations failed to see how this could have happened) a million dollar work-up by the Army's best physicians, could not find anything wrong with them (despite debilitating headaches and pains). When mild pain killers like Tylenol and aspirin failed to solve the problem, the Army felt they had no further options, found them unfit for duty and discharged them (no disability).

Although, I haven't talked to Dr. Holsten yet, I'm getting the impression that this might be our only course of action.

V/R CDR Gorsuch (Greg)

>> V/R,
>> Jack
>>
>> Gorsuch, Gregory M. CDR BUMED wrote:
>>
>>> Jack,
>>>
>>> Glad to hear that you're doing alright. The people at Brooks are
>>> probably right when they say there is no further treatment for the
>>> retinal injuries, what is done is done, however that is not to say
>> that
>>> there might not be other treatment or care options available for
>> your
>>> symptoms (i.e., periorbital pain and headaches).
>>>
>>> Don't confuse expertise in laser retinal damage, with expertise in
>> all
>>> aspects of medical care. Sometimes injuries lead to problems that
>> are
>>> best resolved by other specialist--intractable pain of unknown
>> etiology
>>> may be outside the area of expertise of Brooks or an ophthalmologist,
>> but
>>> it isn't outside of realm of Navy medical care. I wouldn't discount
>>> Bremerton's ability to resolve your problems or to send you to
>>> appropriate specialist. They may not be as expert at detecting
>> laser
>>> eye injury, but they may be able to treat your pain.
>>>
>>> I haven't spoken to Holsten yet, however, I was hoping to find out
>>> whether he felt your vision and eye care could be handled by him at
>>> Bremerton.
>>>
>>> As for the SG, he is responding to the CNO who asked that you be
>>> provided the best care. I believe that SG's recommendation to the
>> CNO
>>> was that you should be seen by NH Bremerton and that they
>> could/would
>>> refer you to appropriate specialists as needed. This is a logical
>>> approach--in that they could refer you to Navy people on West Coast
>> and
>>> ultimately "pick up the tab" for your care. I haven't heard from
>> the
>>> front office since you were seen at Bremerton.
>>>
>>> Hope I've answered all your questions...I might have some of my own
>>> after I talk to Holsten.
>>>
>>> Greg
>>> -----
>>> From: Jack Daly(SMTP (b)(6)
>>> Reply To: (b)(6)
>>> Sent: Tuesday, September 30, 1997 5:51PM
>>> To: Gorsuch, Gregory M. CDR BUMED
>>> Cc: (b)(6) (b)(6)
>>> Subject: Re: EYE EXAM
>>>
>>> CDR,
>>>
>>> Received your response. As far as my current condition, the only
>>> change is
>>> the cloud-like spot I see when I am reading seems to be getting
>>> larger.
>>> Other than that I still have the pain and discomfort I've
>> experienced
>>> since
>>> 4 April.
>>>
>>> Dr. Holsten did not mention referring me to anyone else unless I
>> so
>>> desired,

>>> and the treatment was fine.. As far as being seen by a
>> neurologist or
>>> other
>>> specialists, that was accomplished on my last trip to Brooks,
>> their
>>> message,
>>> dtg 201100Z AUG 97 refers. I have also seen two specialists in
>>> (b)(6)
>>>
>>> If the experts (Brooks) in the field tell me there is no known
>>> treatment for
>>> my injury, and are not exactly sure why the Canadian Pilot (Capt.
>> Pat
>>> Barnes) and I are experiencing the continued pain symptoms, what
>> might
>>> I
>>> hope to accomplish by seeing others with less experience in the
>> field.
>>> At
>>> no time have I felt that the group at Brooks was treating me like
>> a
>>> lab-rat,
>>> however, I am aware that this is a new case for them and I have no
>>> problem
>>> submitting to their testing.
>>>
>>> CAPT Chambers e-mailed me that you were going to check with Dr.
>>> Holsten on
>>> the results of the exam he conducted, was there anything I had
>> left
>>> out from
>>> my report? He also stated that you would be checking to see "what
>> the
>>> Surgeon General wants to do next." Do you have any further info
>> in
>>> that
>>> regard?
>>>
>>> V/R,
>>> LT Daly
>>>
>>> Gorsuch, Gregory M. CDR BUMED wrote:
>>>
>>>> Jack,
>>>>
>>>> I got your voice mail and yes, I got your e-mail also. I'm glad
>> you
>>>> were able to get some local care, hopefully they will be more
>>>> responsive
>>>> to your needs. I'm also hopeful that Bremerton treats you more
>> like
>>>> a
>>>> patient and less like a research subject. As you probably have
>>>> gathered, the researchers and doctors down at Brooks, have been
>> up
>>>> the
>>>> the "ivory tower" so long that they often lose sight (no pun
>>>> intended)
>>>> that some of their subjects are humans (most are rabbits and
>> rhesus
>>>> monkeys). One of the points of getting you to Bremerton was
>> that
>>>> problems that Brooks don't have specialist in (like nerve
>> damage,
>>>> headaches, etc), might be made available to you. I know that
>> Brooks
>>>> made a lot of effort to handle all your medical needs however,
>> they
>>>> really aren't prepared to do that.
>>>>
>>>> How are you feeling (physically)? Did Dr. Holsten feel that you

>>>> should
>>>>> be seen by other physicians (neurologist, for instance)? We're
>> you
>>>>> satisfied with the treatment you received?
>>>>>
>>>>> The Surgeon General (and CNO I understand) is anxious that you
>>>> receive
>>>>> the very best medical care. I think everyone is satisfied that
>>>> you've
>>>>> gotten a million dollar examination by Brooks, let's just hope
>> that
>>>> Navy
>>>>> medicine can provide you with the follow-up care and treatment
>> you
>>>>> need.
>>>>>
>>>>> V/R CDR Gorsuch (Greg)
>>>>>
>>>>>> -----
>>>>>> From: Jack Daly[SMTP: (b)(6)]
>>>>>> Reply To: (b)(6)
>>>>>> Sent: Sunday, September 21, 1997 8:44PM
>>>>>> To: Regan Chambers
>>>>>> Cc: 'CDR Gorsuch'; Smith, Brian
>>>>>> Subject: EYE EXAM
>>>>>> Importance: High
>>>>>>
>>>>>> CAPT,
>>>>>>
>>>>>> ON THURSDAY, 18 SEP, I WAS SEEN BY AN OPHTHALMOLOGIST, DR.
>> (CDR)
>>>>>> HOLSTEN, AT THE EYE CLINIC AT NAVHOSP BREMERTON. THE
>> FOLLOWING
>>>>>> IS A
>>>>>> SUMMARY OF SAID EXAM. HE WAS FAMILIAR WITH THE CASE AND HAD
>> READ
>>>>>> THE
>>>>>> MOST RECENT REPORT (201100Z AUG 97) FROM MY SECOND FOLLOW-UP
>> AT
>>>>>> BROOKS
>>>>>> IN AUGUST.
>>>>>>
>>>>>> BASED ON THE EXAM CONDUCTED BY DR. HOLSTEN, I WAS GIVEN A
>>>>>> PRESCRIPTION
>>>>>> FOR GLASSES IN AN EFFORT TO REDUCE THE STRAIN ON THE RIGHT EYE
>>>>>> WHILE
>>>>>> READING. THE CORRECTION IS MINIMAL AND WILL HOPEFULLY CUT
>> DOWN ON
>>>>>> THE
>>>>>> FATIGUE AND HEADACHES. ALSO A PRESCRIPTION WAS PROVIDED FOR
>> "HYPO
>>>>>> TEARS" TO AID IN MAINTAINING THE MOISTURE CONTENT IN THE RIGHT
>>>>>> EYE.
>>>>>> DR.
>>>>>> HOLSTEN DID NOT FEEL THAT HE HAD THE QUALIFICATIONS OR
>> EXPERIENCE
>>>>>> TO
>>>>>> ADDRESS THE PAIN SYMPTOMS, WHICH HAVE RESULTED FROM THE LASER
>>>>>> EXPOSURES
>>>>>> AND RECOMMENDED FOLLOW-UP BY THE TRI-SERVICE GROUP AT BROOKS.
>>>>>>
>>>>>> NOR DID HE FEEL THAT IT WAS NECESSARY TO REFER ME TO NAVHOSP
>>>>>> BALBOA IN
>>>>>> SAN DIEGO, SINCE BROOKS WAS WAS PROBABLY BETTER EQUIPPED AND
>> WERE
>>>>>> THE
>>>>>> EXPERTS WITHIN THE DOD FOR LASER BIO-EFFECTS. HE WAS AWARE OF
>> THE
>>>>>> CONCERN TO GET ME INTO THE NAVY HEALTH CARE SYSTEM, AND FELT
>> THAT
>>>>>> SINCE

>>>>> THE NAVY WAS PART OF THE BROOKS GROUP, THAT HAD BEEN
>> ACCOMPLISHED.
>>>>>>
>>>>>>
>>>>>> V/R,
>>>>>> Jack
>>>>>>
>>>>
>>>>
>>>>
>>>>
>>
>>
>>
>>

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Friday, October 02, 1998 3:54 PM
To: [REDACTED] (b)(6) Public Affairs Specialist BUMED
Subject: FW: DECEMBER VISIT TO NMC SAN DIEGO

Importance: High

Ms. Rawlings,

This is the message I read from.

V/R Greg (CDR Gorsuch)

-----Original Message-----

From: Gorsuch, Gregory M. CDR BUMED
Sent: Monday, January 12, 1998 4:19 PM
To: [REDACTED] (b)(6)
Cc: [REDACTED] (b)(6)
Subject: DECEMBER VISIT TO NMC SAN DIEGO
Importance: High

Sir,

Briefly spoke with CDR Custis (the Navy's retinal expert) at NMC San Diego, who along with a neuro-ophthalmologist and a corneal specialist examined LT Daly just before Christmas.

LT Daly has persistent (although not seriously debilitating) symptoms. CDR Custis notes that LT Daly is suffering from:

- 1) "Optic Nerve Drusen" a congenital disorder of calcium deposits in the optic nerve that may result in a number of different visual field abnormalities. This is a pre-existing problem not previously found on examination.
- 2) Tear film abnormality, leading to areas of dryness on the eye and discomfort. The physicians have prescribed an antibiotic regime that may help resolve this.
- 3) Periorbital pain syndrome, leading to the headaches, sensations of pressure and discomfort around the eye. The physicians have prescribed some different pain medications that are hoped to resolve this pain.

LT Daly is to check in with San Diego in a few weeks for follow-up. CDR Custis assured LT Daly that his examinations were not meant to refute or deny any previous findings of retinal abnormalities. He feels that although LT Daly has persistent symptoms that these do not seem to prevent him from performing his duties. He agrees with Brooks AFB that LT Daly's symptoms are not consistent with a possible laser injury. He has reviewed the original films and reports from Brooks AFB and without creating further controversy he was "unimpressed" with the evidence. He does believe that LT Daly's symptoms are real (from whatever origin) and he is not exaggerating his problems.

I've CC: CDR Custis above if you'd like to e-mail him directly. I also have his phone number if you'd rather speak to him. Thank you.

V/R Greg (CDR Gorsuch)

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Friday, October 03, 1997 7:25 AM
To: (b)(6)
Subject: RE: EYE EXAM

Jack,

You're right, I don't think further evaluation of your eyes by general ophthalmologists is warranted. I was hoping that Bremerton could come to some judgement, either through referral or directly, as to how to handle your medical care--I wasn't looking for another evaluation of your eyes. That is, you've got problems (that you've described in your last two e-mails to me) that Navy medicine is obligated to treat to the best of its abilities--that is why I was a little upset to think that CDR Holsten "punted" in your case.

S/F Greg

From: Jack Daly(SMTP (b)(6))
Reply To: (b)(6)
Sent: Thursday, October 02, 1997 4:48PM
To: Gorsuch, Gregory M. CDR BUMED
Cc: Regan Chambers
Subject: Re: EYE EXAM

Sir,

These were in fact mentioned in the "official reports," DIRUSARMD BROOKS AFB 201100Z AUG 97, para 2-A refers; my description was not quoted word for word.

No, Dr. Holsten did not refer me to a pain clinic or suggest any further testing. As I mentioned in my original e-mail he felt all that could be done was being done by Brooks.

I do not feel that going through the same testing somewhere else a fourth time will reveal anything new.

V/R,
Jack

Gorsuch, Gregory M. CDR BUMED wrote:

> Jack,
>
> Explained in that way (certainly that wasn't in the "official" reports),
> didn't CDR Holsten feel it necessary to send you to a pain clinic or for
> any further testing?
>
> S/F Greg
>
> -----
> > From: Jack Daly(SMTP (b)(6))
> > Reply To: (b)(6)
> > Sent: Thursday, October 02, 1997 1:35PM
> > To: Gorsuch, Gregory M. CDR BUMED
> > Cc: 'Chambers'
> > Subject: Re: EYE EXAM
> >
> > Sir,
> >
> > Just to clarify, that I am not "doing alright," I still experience a
> > variety
> > of pains symptoms that have not diminished but continue on a daily
> > basis.
> > No two days in-a-row are the same symptom wise; some days I wake up
> > and feel
> > like I've been hit in the right side of my face with a baseball bat,
> > other
> > days my eye just burns as though I had been in a swimming pool with to

> > much
 > > chlorine, most of the time it feels like "brain-freeze" from eating
 > > too much
 > > ice cream too fast, then there are the sudden surges of pain that feel
 > > like
 > > I just got an elbow in the eye that come without warning at various
 > > times
 > > throughout the day/night. The spot that seems to be getting larger
 > > has been
 > > equated to one of the burns/lesions on the retina.
 > >
 > > These symptoms have been mentioned exactly as above to all who have
 > > seen
 > > me. Sorry for any prior confusion.
 > >
 > > V/R,
 > > Jack
 > >
 > > Gorsuch, Gregory M. CDR BUMED wrote:
 > >
 > > > Jack,
 > > >
 > > > Glad to hear that you're doing alright. The people at Brooks are
 > > > probably right when they say there is no further treatment for the
 > > > retinal injuries, what is done is done, however that is not to say
 > > > that
 > > > there might not be other treatment or care options available for
 > > > your
 > > > symptoms (i.e., periorbital pain and headaches).
 > > >
 > > > Don't confuse expertise in laser retinal damage, with expertise in
 > > > all
 > > > aspects of medical care. Sometimes injuries lead to problems that
 > > > are
 > > > best resolved by other specialist--intractable pain of unknown
 > > > etiology
 > > > may be outside the area of expertise of Brooks or an ophthalmologist,
 > > > but
 > > > it isn't outside of realm of Navy medical care. I wouldn't discount
 > > > Bremerton's ability to resolve your problems or to send you to
 > > > appropriate specialist. They may not be as expert at detecting
 > > > laser
 > > > eye injury, but they may be able to treat your pain.
 > > >
 > > > I haven't spoken to Holsten yet, however, I was hoping to find out
 > > > whether he felt your vision and eye care could be handled by him at
 > > > Bremerton.
 > > >
 > > > As for the SG, he is responding to the CNO who asked that you be
 > > > provided the best care. I believe that SG's recommendation to the
 > > > CNO
 > > > was that you should be seen by NH Bremerton and that they
 > > > could/would
 > > > refer you to appropriate specialists as needed. This is a logical
 > > > approach--in that they could refer you to Navy people on West Coast
 > > > and
 > > > ultimately "pick up the tab" for your care. I haven't heard from
 > > > the
 > > > front office since you were seen at Bremerton.
 > > >
 > > > Hope I've answered all your questions...I might have some of my own
 > > > after I talk to Holsten.
 > > >
 > > > Greg
 > > > -----
 > > > From: Jack Daly(SMTP [REDACTED] (b)(6)
 > > > Reply To: [REDACTED] (b)(6)
 > > > Sent: Tuesday, September 30, 1997 5:51PM
 > > > To: Gorsuch, Gregory M. CDR BUMED
 > > > Cc: Regan Chambers; Smith, Brian
 > > > Subject: Re: EYE EXAM

> > >
 > > > CDR,
 > > >
 > > > Received your response. As far as my current condition, the only
 > > > change is
 > > > the cloud-like spot I see when I am reading seems to be getting
 > > > larger.
 > > > Other than that I still have the pain and discomfort I've
 > > experienced
 > > > since
 > > > 4 April.
 > > >
 > > > Dr. Holsten did not mention referring me to anyone else unless I
 > > so
 > > > desired,
 > > > and the treatment was fine.. As far as being seen by a
 > > neurologist or
 > > > other
 > > > specialists, that was accomplished on my last trip to Brooks,
 > > their
 > > > message,
 > > > dtg 201100Z AUG 97 refers. I have also seen two specialists in
 > > > [REDACTED]
 > > >
 > > > If the experts (Brooks) in the field tell me there is no known
 > > > treatment for
 > > > my injury, and are not exactly sure why the Canadian Pilot (Capt.
 > > Pat
 > > > Barnes) and I are experiencing the continued pain symptoms, what
 > > might
 > > > I
 > > > hope to accomplish by seeing others with less experience in the
 > > field.
 > > > At
 > > > no time have I felt that the group at Brooks was treating me like
 > > a
 > > > lab-rat,
 > > > however, I am aware that this is a new case for them and I have no
 > > > problem
 > > > submitting to their testing.
 > > >
 > > > CAPT Chambers e-mailed me that you were going to check with Dr.
 > > > Holsten on
 > > > the results of the exam he conducted, was there anything I had
 > > left
 > > > out from
 > > > my report? He also stated that you would be checking to see "what
 > > the
 > > > Surgeon General wants to do next." Do you have any further info
 > > in
 > > > that
 > > > regard?
 > > >
 > > > V/R,
 > > > LT Daly
 > > >
 > > > Gorsuch, Gregory M. CDR BUMED wrote:
 > > >
 > > > > Jack,
 > > > >
 > > > > I got your voice mail and yes, I got your e-mail also. I'm glad
 > > > > you
 > > > > were able to get some local care, hopefully they will be more
 > > > > responsive
 > > > > to your needs. I'm also hopeful that Bremerton treats you more
 > > > > like
 > > > > a
 > > > > patient and less like a research subject. As you probably have
 > > > > gathered, the researchers and doctors down at Brooks, have been
 > > > > up
 > > > > the

>>>> the "ivory tower" so long that they often lose sight (no pun
>>>> intended)
>>>> that some of their subjects are humans (most are rabbits and
>> rhesus
>>>> monkeys). One of the points of getting you to Bremerton was
>> that
>>>> problems that Brooks don't have specialist in (like nerve
>> damage,
>>>> headaches, etc), might be made available to you. I know that
>> Brooks
>>>> made a lot of effort to handle all your medical needs however,
>> they
>>>> really aren't prepared to do that.
>>>>
>>>> How are you feeling (physically)? Did Dr. Holsten feel that you
>>>> should
>>>> be seen by other physicians (neurologist, for instance)? We're
>> you
>>>> satisfied with the treatment you received?
>>>>
>>>> The Surgeon General (and CNO I understand) is anxious that you
>>>> receive
>>>> the very best medical care. I think everyone is satisfied that
>>>> you've
>>>> gotten a million dollar examination by Brooks, let's just hope
>> that
>>>> Navy
>>>> medicine can provide you with the follow-up care and treatment
>> you
>>>> need.
>>>>
>>>> V/R CDR Gorsuch (Greg)
>>>>

>>>>> -----
>>>>> From: Jack Daly(SMTP (b)(6)
>>>>> Reply To: (b)(6)
>>>>> Sent: Sunday, September 21, 1997 8:44PM
>>>>> To: Regan Chambers
>>>>> Cc: 'CDR Gorsuch'; Smith, Brian
>>>>> Subject: EYE EXAM
>>>>> Importance: High

>>>>> CAPT,
>>>>>
>>>>> ON THURSDAY, 18 SEP, I WAS SEEN BY AN OPHTHALMOLOGIST, DR
>> (CDR)
>>>>> HOLSTEN, AT THE EYE CLINIC AT NAVHOSP BREMERTON. THE
>> FOLLOWING
>>>>> IS A
>>>>> SUMMARY OF SAID EXAM. HE WAS FAMILIAR WITH THE CASE AND HAD
>> READ
>>>>> THE
>>>>> MOST RECENT REPORT (201100Z AUG 97) FROM MY SECOND FOLLOW-UP
>> AT
>>>>> BROOKS
>>>>> IN AUGUST.
>>>>>
>>>>> BASED ON THE EXAM CONDUCTED BY DR. HOLSTEN, I WAS GIVEN A
>>>>> PRESCRIPTION
>>>>> FOR GLASSES IN AN EFFORT TO REDUCE THE STRAIN ON THE RIGHT EYE
>>>>> WHILE
>>>>> READING. THE CORRECTION IS MINIMAL AND WILL HOPEFULLY CUT
>> DOWN ON
>>>>> THE
>>>>> FATIGUE AND HEADACHES. ALSO A PRESCRIPTION WAS PROVIDED FOR
>> "HYPO
>>>>> TEARS" TO AID IN MAINTAINING THE MOISTURE CONTENT IN THE RIGHT
>>>>> EYE.
>>>>> DR.
>>>>> HOLSTEN DID NOT FEEL THAT HE HAD THE QUALIFICATIONS OR
>> EXPERIENCE

>>>> TO
>>>>> ADDRESS THE PAIN SYMPTOMS, WHICH HAVE RESULTED FROM THE LASER
>>>>> EXPOSURES
>>>>> AND RECOMMENDED FOLLOW-UP BY THE TRI-SERVICE GROUP AT BROOKS.
>>>>>
>>>>> NOR DID HE FEEL THAT IT WAS NECESSARY TO REFER ME TO NAVHOSP
>>>> BALBOA IN
>>>>> SAN DIEGO, SINCE BROOKS WAS WAS PROBABLY BETTER EQUIPPED AND
>> WERE
>>>> THE
>>>>> EXPERTS WITHIN THE DOD FOR LASER BIO-EFFECTS. HE WAS AWARE OF
>> THE
>>>>> CONCERN TO GET ME INTO THE NAVY HEALTH CARE SYSTEM, AND FELT
>> THAT
>>>>> SINCE
>>>>> THE NAVY WAS PART OF THE BROOKS GROUP, THAT HAD BEEN
>> ACCOMPLISHED.
>>>>>
>>>>>
>>>>> V/R,
>>>>> Jack
>>>>>
>>>>
>>>>
>>>>
>>>>
>>
>>
>>
>>

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Friday, October 03, 1997 8:03 AM
To: 'Chambers'
Subject: LT DALY UPDATE

Sir,

As you've seen from the last two e-mails cc: to you from LT Daly, his primary complaints amount to a debilitating, intractable pain of unknown origin.

Although Brooks and Navy (and evidently civilians) have attempted to attribute these symptoms to retinal findings in his eyes--they all have failed, hence "unknown origin." Headaches and phantom pains are beyond my area of expertise, but they have many causes--and, I think, as long as the doctors (and LT Daly) fixate on Brooks' reports, they won't be able to help him.

Something that I've only briefly mentioned to Jack, is that the logical progression of similar cases, is: fitness for duty examinations, a medical board, and usually (if there is little hope of the Navy solving the problem) a discharge from the Navy (with or without disability). Given the big work up done by Brooks, I'm not sure if a medical board would even need further evaluations, they would probably find him unfit for duty--the only question would be if he should be kept on active duty long enough to see if his symptoms resolved.

In a similar case of two soldiers who felt they had been over exposed to a Hawk missile radar system, (all investigations failed to see how this could have happened) a million dollar work-up by the Army's best physicians, could not find anything wrong with them (despite debilitating headaches and pains). When mild pain killers like Tylenol and aspirin failed to solve the problem, the Army felt they had no further options, found them unfit for duty and discharged them (no disability).

Although, I haven't talked to Dr. Holsten yet, I'm getting the impression that this might be our only course of action.

V/R CDR Gorsuch (Greg)

> > much
 > > chlorine, most of the time it feels like "brain-freeze" from eating
 > > too much
 > > ice cream too fast, then there are the sudden surges of pain that feel
 > > like
 > > I just got an elbow in the eye that come without warning at various
 > > times
 > > throughout the day/night. The spot that seems to be getting larger
 > > has been
 > > equated to one of the burns/lesions on the retina.
 > >
 > > These symptoms have been mentioned exactly as above to all who have
 > > seen
 > > me. Sorry for any prior confusion.
 > >
 > > V/R,
 > > Jack
 > >
 > > Gorsuch, Gregory M. CDR BUMED wrote:
 > >
 > > > Jack,
 > > >
 > > > Glad to hear that you're doing alright. The people at Brooks are
 > > > probably right when they say there is no further treatment for the
 > > > retinal injuries, what is done is done, however that is not to say
 > > > that
 > > > there might not be other treatment or care options available for
 > > > your
 > > > symptoms (i.e., periorbital pain and headaches).
 > > >
 > > > Don't confuse expertise in laser retinal damage, with expertise in
 > > > all
 > > > aspects of medical care. Sometimes injuries lead to problems that
 > > > are
 > > > best resolved by other specialist--intractable pain of unknown
 > > > etiology
 > > > may be outside the area of expertise of Brooks or an ophthalmologist,
 > > > but
 > > > it isn't outside of realm of Navy medical care. I wouldn't discount
 > > > Bremerton's ability to resolve your problems or to send you to
 > > > appropriate specialist. They may not be as expert at detecting
 > > > laser
 > > > eye injury, but they may be able to treat your pain.
 > > >
 > > > I haven't spoken to Holsten yet, however, I was hoping to find out
 > > > whether he felt your vision and eye care could be handled by him at
 > > > Bremerton.
 > > >
 > > > As for the SG, he is responding to the CNO who asked that you be
 > > > provided the best care. I believe that SG's recommendation to the
 > > > CNO
 > > > was that you should be seen by NH Bremerton and that they
 > > > could/would
 > > > refer you to appropriate specialists as needed. This is a logical
 > > > approach--in that they could refer you to Navy people on West Coast
 > > > and
 > > > ultimately "pick up the tab" for your care. I haven't heard from
 > > > the
 > > > front office since you were seen at Bremerton.
 > > >
 > > > Hope I've answered all your questions...I might have some of my own
 > > > after I talk to Holsten.
 > > >
 > > > Greg
 > > > -----
 > > > From: Jack Daly(SMTP [REDACTED] (b)(6)
 > > > Reply To: [REDACTED] (b)(6)
 > > > Sent: Tuesday, September 30, 1997 5:51PM
 > > > To: Gorsuch, Gregory M. CDR BUMED
 > > > Cc: Regan Chambers; Smith, Brian
 > > > Subject: Re: EYE EXAM

> > >
 > > > CDR,
 > > >
 > > > Received your response. As far as my current condition, the only
 > > > change is
 > > > the cloud-like spot I see when I am reading seems to be getting
 > > > larger.
 > > > Other than that I still have the pain and discomfort I've
 > > experienced
 > > > since
 > > > 4 April.
 > > >
 > > > Dr. Holsten did not mention referring me to anyone else unless I
 > > so
 > > > desired,
 > > > and the treatment was fine.. As far as being seen by a
 > > neurologist or
 > > > other
 > > > specialists, that was accomplished on my last trip to Brooks,
 > > their
 > > > message,
 > > > dtg 201100Z AUG 97 refers. I have also seen two specialists in
 > > > [REDACTED]
 > > >
 > > > If the experts (Brooks) in the field tell me there is no known
 > > > treatment for
 > > > my injury, and are not exactly sure why the Canadian Pilot (Capt.
 > > Pat
 > > > Barnes) and I are experiencing the continued pain symptoms, what
 > > might
 > > > I
 > > > hope to accomplish by seeing others with less experience in the
 > > field.
 > > > At
 > > > no time have I felt that the group at Brooks was treating me like
 > > a
 > > > lab-rat,
 > > > however, I am aware that this is a new case for them and I have no
 > > > problem
 > > > submitting to their testing.
 > > >
 > > > CAPT Chambers e-mailed me that you were going to check with Dr.
 > > > Holsten on
 > > > the results of the exam he conducted, was there anything I had
 > > left
 > > > out from
 > > > my report? He also stated that you would be checking to see "what
 > > the
 > > > Surgeon General wants to do next." Do you have any further info
 > > in
 > > > that
 > > > regard?
 > > >
 > > > V/R,
 > > > LT Daly
 > > >
 > > > Gorsuch, Gregory M. CDR BUMED wrote:
 > > >
 > > > > Jack,
 > > > >
 > > > > I got your voice mail and yes, I got your e-mail also. I'm glad
 > > > > you
 > > > > were able to get some local care, hopefully they will be more
 > > > > responsive
 > > > > to your needs. I'm also hopeful that Bremerton treats you more
 > > > > like
 > > > > a
 > > > > patient and less like a research subject. As you probably have
 > > > > gathered, the researchers and doctors down at Brooks, have been
 > > > > up
 > > > > the

>>>> the "ivory tower" so long that they often lose sight (no pun
>>>> intended)
>>>> that some of their subjects are humans (most are rabbits and
>> rhesus
>>>> monkeys). One of the points of getting you to Bremerton was
>> that
>>>> problems that Brooks don't have specialist in (like nerve
>> damage,
>>>> headaches, etc), might be made available to you. I know that
>> Brooks
>>>> made a lot of effort to handle all your medical needs however,
>> they
>>>> really aren't prepared to do that.
>>>>
>>>> How are you feeling (physically)? Did Dr. Holsten feel that you
>>>> should
>>>> be seen by other physicians (neurologist, for instance)? We're
>> you
>>>> satisfied with the treatment you received?
>>>>
>>>> The Surgeon General (and CNO I understand) is anxious that you
>>>> receive
>>>> the very best medical care. I think everyone is satisfied that
>>>> you've
>>>> gotten a million dollar examination by Brooks, let's just hope
>> that
>>>> Navy
>>>> medicine can provide you with the follow-up care and treatment
>> you
>>>> need.
>>>>
>>>> V/R CDR Gorsuch (Greg)
>>>>

>>>>> -----
>>>>> From: Jack Daly(SMTP [REDACTED] (b)(6)
>>>>> Reply To: [REDACTED] (b)(6)
>>>>> Sent: Sunday, September 21, 1997 8:44PM
>>>>> To: Regan Chambers
>>>>> Cc: 'CDR Gorsuch'; Smith, Brian
>>>>> Subject: EYE EXAM
>>>>> Importance: High
>>>>>

>>>>> CAPT,
>>>>>
>>>>> ON THURSDAY, 18 SEP, I WAS SEEN BY AN OPHTHALMOLOGIST, DR
>> (CDR)
>>>>> HOLSTEN, AT THE EYE CLINIC AT NAVHOSP BREMERTON. THE
>> FOLLOWING
>>>>> IS A
>>>>> SUMMARY OF SAID EXAM. HE WAS FAMILIAR WITH THE CASE AND HAD
>> READ
>>>>> THE
>>>>> MOST RECENT REPORT (201100Z AUG 97) FROM MY SECOND FOLLOW-UP
>> AT
>>>>> BROOKS
>>>>> IN AUGUST.
>>>>>
>>>>> BASED ON THE EXAM CONDUCTED BY DR. HOLSTEN, I WAS GIVEN A
>>>>> PRESCRIPTION
>>>>> FOR GLASSES IN AN EFFORT TO REDUCE THE STRAIN ON THE RIGHT EYE
>>>>> WHILE
>>>>> READING. THE CORRECTION IS MINIMAL AND WILL HOPEFULLY CUT
>> DOWN ON
>>>>> THE
>>>>> FATIGUE AND HEADACHES. ALSO A PRESCRIPTION WAS PROVIDED FOR
>> "HYPO
>>>>> TEARS" TO AID IN MAINTAINING THE MOISTURE CONTENT IN THE RIGHT
>>>>> EYE.
>>>>> DR.
>>>>> HOLSTEN DID NOT FEEL THAT HE HAD THE QUALIFICATIONS OR
>> EXPERIENCE

>>>> TO
>>>>> ADDRESS THE PAIN SYMPTOMS, WHICH HAVE RESULTED FROM THE LASER
>>>>> EXPOSURES
>>>>> AND RECOMMENDED FOLLOW-UP BY THE TRI-SERVICE GROUP AT BROOKS.
>>>>>
>>>>> NOR DID HE FEEL THAT IT WAS NECESSARY TO REFER ME TO NAVHOSP
>>>> BALBOA IN
>>>>> SAN DIEGO, SINCE BROOKS WAS WAS PROBABLY BETTER EQUIPPED AND
>> WERE
>>>> THE
>>>>> EXPERTS WITHIN THE DOD FOR LASER BIO-EFFECTS. HE WAS AWARE OF
>> THE
>>>>>> CONCERN TO GET ME INTO THE NAVY HEALTH CARE SYSTEM, AND FELT
>> THAT
>>>>>> SINCE
>>>>>> THE NAVY WAS PART OF THE BROOKS GROUP, THAT HAD BEEN
>> ACCOMPLISHED.
>>>>>>
>>>>>>
>>>>>> V/R,
>>>>>> Jack
>>>>>>
>>>>
>>>>
>>>>
>>>>
>>
>>
>>
>>

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Friday, October 03, 1997 8:03 AM
To: 'Chambers'
Subject: LT DALY UPDATE

Sir,

As you've seen from the last two e-mails cc: to you from LT Daly, his primary complaints amount to a debilitating, intractable pain of unknown origin.

Although Brooks and Navy (and evidently civilians) have attempted to attribute these symptoms to retinal findings in his eyes--they all have failed, hence "unknown origin." Headaches and phantom pains are beyond my area of expertise, but they have many causes--and, I think, as long as the doctors (and LT Daly) fixate on Brooks' reports, they won't be able to help him.

Something that I've only briefly mentioned to Jack, is that the logical progression of similar cases, is: fitness for duty examinations, a medical board, and usually (if there is little hope of the Navy solving the problem) a discharge from the Navy (with or without disability). Given the big work up done by Brooks, I'm not sure if a medical board would even need further evaluations, they would probably find him unfit for duty--the only question would be if he should be kept on active duty long enough to see if his symptoms resolved.

In a similar case of two soldiers who felt they had been over exposed to a Hawk missile radar system, (all investigations failed to see how this could have happened) a million dollar work-up by the Army's best physicians, could not find anything wrong with them (despite debilitating headaches and pains). When mild pain killers like Tylenol and aspirin failed to solve the problem, the Army felt they had no further options, found them unfit for duty and discharged them (no disability).

Although, I haven't talked to Dr. Holsten yet, I'm getting the impression that this might be our only course of action.

V/R CDR Gorsuch (Greg)

>>>>
 >>>> CDR,
 >>>>
 >>>> Received your response. As far as my current condition, the only
 >>>> change is
 >>>> the cloud-like spot I see when I am reading seems to be getting
 >>>> larger.
 >>>> Other than that I still have the pain and discomfort I've
 >> experienced
 >>>> since
 >>>> 4 April.
 >>>>
 >>>> Dr. Holsten did not mention referring me to anyone else unless I
 >> so
 >>>> desired,
 >>>> and the treatment was fine.. As far as being seen by a
 >> neurologist or
 >>>> other
 >>>> specialists, that was accomplished on my last trip to Brooks,
 >> their
 >>>> message,
 >>>> dtg 201100Z AUG 97 refers. I have also seen two specialists in
 >>>> (b)(6)
 >>>>
 >>>> If the experts (Brooks) in the field tell me there is no known
 >>>> treatment for
 >>>> my injury, and are not exactly sure why the Canadian Pilot (Capt.
 >> Pat
 >>>> Barnes) and I are experiencing the continued pain symptoms, what
 >> might
 >>>> I
 >>>> hope to accomplish by seeing others with less experience in the
 >> field.
 >>>> At
 >>>> no time have I felt that the group at Brooks was treating me like
 >> a
 >>>> lab-rat,
 >>>> however, I am aware that this is a new case for them and I have no
 >>>> problem
 >>>> submitting to their testing.
 >>>>
 >>>> CAPT Chambers e-mailed me that you were going to check with Dr.
 >>>> Holsten on
 >>>> the results of the exam he conducted, was there anything I had
 >> left
 >>>> out from
 >>>> my report? He also stated that you would be checking to see "what
 >> the
 >>>> Surgeon General wants to do next." Do you have any further info
 >> in
 >>>> that
 >>>> regard?
 >>>>
 >>>> V/R,
 >>>> LT Daly
 >>>>
 >>>> Gorsuch, Gregory M. CDR BUMED wrote:
 >>>>
 >>>>> Jack,
 >>>>>
 >>>>> I got your voice mail and yes, I got your e-mail also. I'm glad
 >> you
 >>>>> were able to get some local care, hopefully they will be more
 >>>>> responsive
 >>>>> to your needs. I'm also hopeful that Bremerton treats you more
 >> like
 >>>>> a
 >>>>> patient and less like a research subject. As you probably have
 >>>>> gathered, the researchers and doctors down at Brooks, have been
 >> up
 >>>>> the

>>>> the "ivory tower" so long that they often lose sight (no pun
>>>> intended)
>>>> that some of their subjects are humans (most are rabbits and
>> rhesus
>>>> monkeys). One of the points of getting you to Bremerton was
>> that
>>>> problems that Brooks don't have specialist in (like nerve
>> damage,
>>>> headaches, etc), might be made available to you. I know that
>> Brooks
>>>> made a lot of effort to handle all your medical needs however,
>> they
>>>> really aren't prepared to do that.
>>>>
>>>> How are you feeling (physically)? Did Dr. Holsten feel that you
>>>> should
>>>> be seen by other physicians (neurologist, for instance)? We're
>> you
>>>> satisfied with the treatment you received?
>>>>
>>>> The Surgeon General (and CNO I understand) is anxious that you
>>>> receive
>>>> the very best medical care. I think everyone is satisfied that
>>>> you've
>>>> gotten a million dollar examination by Brooks, let's just hope
>> that
>>>> Navy
>>>> medicine can provide you with the follow-up care and treatment
>> you
>>>> need.
>>>>
>>>> V/R CDR Gorsuch (Greg)
>>>>

>>>>> -----
>>>>> From: Jack Daly(SMTP [REDACTED] (b)(6)
>>>>> Reply To: [REDACTED] (b)(6)
>>>>> Sent: Sunday, September 21, 1997 8:44PM
>>>>> To: Regan Chambers
>>>>> Cc: 'CDR Gorsuch'; Smith, Brian
>>>>> Subject: EYE EXAM
>>>>> Importance: High
>>>>>

>>>>> CAPT,
>>>>>
>>>>> ON THURSDAY, 18 SEP, I WAS SEEN BY AN OPHTHALMOLOGIST, DR
>> (CDR)
>>>>> HOLSTEN, AT THE EYE CLINIC AT NAVHOSP BREMERTON. THE
>> FOLLOWING
>>>> IS A
>>>>> SUMMARY OF SAID EXAM. HE WAS FAMILIAR WITH THE CASE AND HAD
>> READ
>>>> THE
>>>>> MOST RECENT REPORT (201100Z AUG 97) FROM MY SECOND FOLLOW-UP
>> AT
>>>> BROOKS
>>>>> IN AUGUST.
>>>>>
>>>>> BASED ON THE EXAM CONDUCTED BY DR. HOLSTEN, I WAS GIVEN A
>>>> PRESCRIPTION
>>>>> FOR GLASSES IN AN EFFORT TO REDUCE THE STRAIN ON THE RIGHT EYE
>>>> WHILE
>>>>> READING. THE CORRECTION IS MINIMAL AND WILL HOPEFULLY CUT
>> DOWN ON
>>>> THE
>>>>> FATIGUE AND HEADACHES. ALSO A PRESCRIPTION WAS PROVIDED FOR
>> "HYPO
>>>>> TEARS" TO AID IN MAINTAINING THE MOISTURE CONTENT IN THE RIGHT
>>>> EYE.
>>>>> DR.
>>>>> HOLSTEN DID NOT FEEL THAT HE HAD THE QUALIFICATIONS OR
>> EXPERIENCE

>>>> TO
>>>>> ADDRESS THE PAIN SYMPTOMS, WHICH HAVE RESULTED FROM THE LASER
>>>>> EXPOSURES
>>>>> AND RECOMMENDED FOLLOW-UP BY THE TRI-SERVICE GROUP AT BROOKS.
>>>>>
>>>>> NOR DID HE FEEL THAT IT WAS NECESSARY TO REFER ME TO NAVHOSP
>>>> BALBOA IN
>>>>> SAN DIEGO, SINCE BROOKS WAS WAS PROBABLY BETTER EQUIPPED AND
>> WERE
>>>> THE
>>>>> EXPERTS WITHIN THE DOD FOR LASER BIO-EFFECTS. HE WAS AWARE OF
>> THE
>>>>> CONCERN TO GET ME INTO THE NAVY HEALTH CARE SYSTEM, AND FELT
>> THAT
>>>>> SINCE
>>>>> THE NAVY WAS PART OF THE BROOKS GROUP, THAT HAD BEEN
>> ACCOMPLISHED.
>>>>>
>>>>>
>>>>> V/R,
>>>>> Jack
>>>>>
>>>>
>>>>
>>>>
>>>>
>>
>>
>>

Gorsuch, Gregory M. CDR BUMED

From: Gorsuch, Gregory M. CDR BUMED
Sent: Friday, October 03, 1997 8:03 AM
To: 'Chambers'
Subject: LT DALY UPDATE

Sir,

As you've seen from the last two e-mails cc: to you from LT Daly, his primary complaints amount to a debilitating, intractable pain of unknown origin.

Although Brooks and Navy (and evidently civilians) have attempted to attribute these symptoms to retinal findings in his eyes--they all have failed, hence "unknown origin." Headaches and phantom pains are beyond my area of expertise, but they have many causes--and, I think, as long as the doctors (and LT Daly) fixate on Brooks' reports, they won't be able to help him.

Something that I've only briefly mentioned to Jack, is that the logical progression of similar cases, is: fitness for duty examinations, a medical board, and usually (if there is little hope of the Navy solving the problem) a discharge from the Navy (with or without disability). Given the big work up done by Brooks, I'm not sure if a medical board would even need further evaluations, they would probably find him unfit for duty--the only question would be if he should be kept on active duty long enough to see if his symptoms resolved.

In a similar case of two soldiers who felt they had been over exposed to a Hawk missile radar system, (all investigations failed to see how this could have happened) a million dollar work-up by the Army's best physicians, could not find anything wrong with them (despite debilitating headaches and pains). When mild pain killers like Tylenol and aspirin failed to solve the problem, the Army felt they had no further options, found them unfit for duty and discharged them (no disability).

Although, I haven't talked to Dr. Holsten yet, I'm getting the impression that this might be our only course of action.

V/R CDR Gorsuch (Greg)